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*Listed in Chambers  
USA America's  
Leading Lawyers for  
Business where he is  
described as "superb"  
and "a dynamic guy  
who really knows the  
business."*

*Named one of the  
Best Lawyers in  
America (2014-2016)  
in the fields of  
Arbitration and  
International  
Arbitration -  
Commercial, and a  
"New York Super  
Lawyer" in Alternative  
Dispute Resolution  
since 2006*

#### Robert B. Davidson, Esq., FCI Arb

**Robert B. Davidson, Esq., FCI Arb** 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, real estate, intellectual property, pharmaceutical licensing disputes, 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 resolving claims of fraud and malpractice made against major accounting firm arising out of the backdating of stock options; member of panel resolving dispute between a liquidating trustee and another major accounting firm alleging malpractice in the auditing of a business; Chair of an arbitration involving the alleged undervaluation of a company sold by a fund manager; acted in several arbitrations that involved DCF or other valuation techniques used for valuing companies for sale or other disposition; acted as an arbitrator in cases in which an auditor allegedly failed to comply with FAS standards; acted in several arbitrations in which compliance with GAAP standards (or Canadian GAAP) was an issue; dealt with bookkeeping deficiencies in many cases; acted in an employment case in which it was alleged that the CFO paid himself bonuses and then hid the defalcation by creating debit entries in various sub-accounts
- **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 various disputes, both domestic and international, involving sales of goods under the UCC or the CISG; 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

Listed as one of the world's Leading International Arbitrators in Chambers USA 2010-2016 in which he is described as (2013) "a preeminent figure in the market...noted for his strong technical capabilities," and (2014) "a fountain of knowledge...at the forefront of cutting edge arbitration issues." (2015) "admired as an excellent and 'incredibly efficient' individual who 'really has an instinct for arbitration.'"

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** – Standby arbitrator appointed to resolve design disputes that may arise out of a major New York City hotel renovation; 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; Chair of panel in arbitration brought by piping contractor against Owner for failure to pay for extra work for the design, fabrication and installation of piping for use in a pre-pickling line in stainless steel processing plant
- **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
- **Energy** – Arbitrated various post-closing disputes brought by state-owned entities that purchased an oil and gas production company that held concession rights in Latin America; arbitrated a price reset arbitration under a long term oil supply contract; arbitrated an ICDR arbitration brought by Indian wind turbine manufacture against U.S. component (bearing) manufacturer; sole arbitrator in ad hoc arbitration brought by insured for property damage caused by explosion and fire at refinery (case essentially involved damages sustained for business interruption); arbitrated dispute brought by contractor for damages arising out of remediation services performed in the aftermath of the Deepwater Horizon disaster
- **Insurance** – Arbitrated coverage cases involving political risk insurance, property and casualty, excess insurance, reinsurance, 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 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 indemnification claims under master services agreement for the provision of underwater maintenance services; Arbitrated claim for additional compensation by company that participated in Gulf Clean-Up after the Deepwater Horizon spill; 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; charter dispute between owner and vessel charterer
- **Pharmaceutical** - Arbitrated dispute between licensor of new drug against licensee that allegedly failed to use "good clinical practice" in running Phase 3 trial (anti-infective) (Netherlands Arb. Inst., The Hague); Chair of panel in dispute by licensor of new drug against licensee for the alleged premature termination of Phase 3 trial (cardiovascular drug); member of tripartite panel in dispute brought by U.S. licensor against Japanese pharmaceutical company for wrongful termination of development agreement; President of ICC Tribunal arbitrating dispute brought by licensee seeking reimbursement for drug study costs
- **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 dispute brought by committee of investors against manager of

hedge funds in liquidation, for self-dealing and breaches of fiduciary duty; 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 11 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 various tax issues under indemnification clause in SPA agreement; 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 dispute over indemnity provided by seller of reinsurance business to purchaser; 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 various disputes involving alleged infringement of music publishing copyrights; Mediated various disputes involving alleged copyright infringement; 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 various Lanham Act claims
- **Product Liability** - mediated dispute between insurer and minor plaintiffs injured by the ingestion of magnets contained in toys made in China
- **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; mediated dispute between U.S. software vendor and Asian software subcontractor for defective programming
- **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

- Listed in *The Best Lawyers in America*, in the practice area of Arbitration and International Arbitration - Commercial, 2016
- Listed under International Arbitration in the 2016 edition of Chambers USA America's Leading Lawyers for Business
- Fellow, Chartered Institute of Arbitrators
- Listed as one of the Leading International Arbitrators in the *Chambers USA Guides*, 2010-2016
- Listed in New York's *Best Lawyers*
- Listed as a *New York Super Lawyer* for alternative dispute resolution since 2006
- Listed in the *International Who's Who* of Commercial Mediation, 2012-2016
- Listed as one of the world's leading commercial arbitrators in *Who's Who Legal: Arbitration*, 2016
- Listed in the 2015 and 2016 Commercial Arbitration Expert Guide
- Advisory Board, Institute for Transnational Arbitration
- Listed in various Marquis *Who's Who* publications, incl. *Who's Who in the World*, in America, and in American Law; Cambridge *Who's Who*; "AV Preeminent" rating from Martindale Hubbell
- Past Chair, Committee on Arbitration, New York City Bar Association; Member, In-House/Outside Litigation Counsel Committee; member of NYCBA Committee on International Commercial Disputes
- Fellow and Past Board Member, College of Commercial Arbitrators
- Fellow, American Bar Foundation
- Member, International Arbitration Club of New York
- Member, Maritime Law Association of the United States (since 1979)
- Member, IBA
- 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
- Member, American Foreign Law Association
- Panel Memberships: JAMS panel; HKIAC (Hong Kong International Arbitration Centre) arbitrator and mediator panels; CPR New York, and Cross-Border Panels; ICC arbitrator panel; CIETAC (China) Arbitrator Panel; Beijing Arbitration Commission (BAC) panel of arbitrators; Netherlands Arbitration Institute panel; 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, *ad hoc*, LCIA, HKIAC (Hong Kong), CIETAC and NAI (Netherlands Arbitration Institute) arbitrations
- Chair, final argument, Vis Moot Court competition, Vienna (2008)
- Member, Inter-Pacific Bar Association and its Dispute Resolution Committee
- 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 *The Leading Arbitrators' Guide to International Arbitration*, 3d ed. (Juris Pub. 2014); all three editions of the *College of Commercial Arbitrators' Guide to Best Practices in Commercial Arbitration*, (Juris Pub. 2006, 2010 and 2013); two editions of the *Practitioner's Handbook on International Arbitration and Mediation*, 2d and 3d Eds. (Juris Pub. 2007 and 2012) (Chapters on International Mediation);

- and two editions of *International Arbitration Checklists*, (Juris Pub. 2003 and 2009)
- 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, Brooklyn Law School, Cardozo School of Law, New York Law School, and Pace Law School

#### **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 acts in securities, insurance, licensing, joint venture, construction, and IP arbitrations and mediations
- 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

#### **Languages**

- English

#### **Specializations**

- IP (patents, trademarks, pharmaceutical and other licensing disputes)
- Corporate transactions (disputes under SPA and APA agreements; M&A disputes)
- Contracts (construction, sales of goods, distributorship agreements)
- Finance and investment (hedge fund disputes; investment issues involving CDOs or CLOs, swaps, etc.)
- Insurance and reinsurance disputes
- Bankruptcy claims
- Employment disputes

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