



The Nuts and Bolts of an Arbitration Hearing: Procedure, Evidence and Practicalities

June 7, 2016 – 2:00 p.m. to 3:30 p.m. ET

PROGRAM SUMMARY

Tips on How to Conduct an Effective and Efficient Arbitration Hearing

Speakers: Gerald G. Salterelli and J. Timothy Eaton

AGENDA

2:00 p.m.	Welcome and Introduction of Speakers	(5 minutes)
2:05 p.m.	The Arbitration Hearing from Pre-Hearing Briefs to Post-Hearing Submissions and Everything In Between	(75 minutes)
3:20 p.m.	Conclusion and Questions	(10 minutes)
3:30 p.m.	Evaluation	(5 minutes)
3:35 p.m.	Adjourn	



J. Timothy Eaton, Esq.
Taft, Stettinius and Hollister LLP

Current Employer-Title	Taft Stettinius & Hollister LLP - Senior Litigation Partner
Profession	Attorney, Arbitrator
Work History	Partner, Taft Stettinius & Hollister LLP, f/k/a Shefsky & Froelich, Ltd. 2005-present; Partner, Ungaretti & Harris, n/k/a Nixon Peabody, 1986-05; Partner, Hinshaw & Culbertson, 1983-86; Partner, Baird, Latendresse, McCarthy & Rowden, 1979-83; Law Clerk to Justice Joseph H. Goldenhersh, Illinois Supreme Court, 1977-79.
Experience	<p>COMMERCIAL LITIGATION EXPERIENCE: Has been a litigator for 38 years concentrating in commercial and appellate litigation. Some experience includes representing:</p> <ul style="list-style-type: none">* A telecommunications company in a contract dispute before the International Centre for Dispute Resolution;* An ESOP in a multi-million dollar ERISA claim in the Northern District of Illinois based upon breaches of fiduciary duties by a former owner and trustee;* A Fortune 500 company in a \$40 million claim in the Commercial Division of Cook County arising from claims of a quasi-joint venture in Poland;* A semiconductor manufacturing company in a \$250 million breach of contract claim in the Northern District of Indiana arising from a quasi-joint venture;* A semiconductor company in a Patent License Agreement bench trial in Chancery Court in Wilmington, Delaware;* A company in a \$7 million claim in the Southern District of New York over the termination of a vendor;* A securities brokerage firm in a bench trial in Chancery Court in Cook County, Illinois involving breach of fiduciary duty and tortious interference with a contract; * A Fortune 100 company in a federal district court bench trial in Boston involving the discharge of a \$6 million claim in bankruptcy. <p>APPELLATE EXPERIENCE:</p> <ul style="list-style-type: none">* A multi-million dollar insurance company in the Seventh Circuit Court of Appeals involving a coverage dispute with another insurer;* A group of companies in the Seventh Circuit Court of Appeals on a plaintiffs' anti-trust claim;* A Fortune 500 company in the Seventh Circuit Court of Appeals in multiple class-action appeals arising from an MDL;* A plaintiffs' class in the Seventh Circuit Court of Appeals from the denial of class certification;* A Fortune 500 company in the Seventh Circuit Court of Appeals in an appeal from a \$70 million breach contract jury verdict;

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- * A public transportation company in the Illinois Supreme Court involving a pension-related issue;
- * A plaintiffs' class in the Seventh Circuit Court of Appeals on a forum issue in a class action products liability case in federal court;
- * A major oil company in the Illinois Supreme Court involving an environmental cleanup issue;
- * A major bank in the Illinois Supreme Court in an alleged fraudulent tax shelter scheme;
- * An association of school districts in an insurance coverage dispute regarding allocation of loss among multiple insurance carriers in the Illinois Appellate Court and Seventh Circuit Court of Appeals;
- * A major gas company in a claim involving mercury contamination in an appeal before the Illinois Supreme Court;
- * A major railroad company in an appeal from a Surface Transportation Board in the Seventh Circuit Court of Appeals;
- * All Illinois law schools in the Illinois Supreme Court on the issue of a cy pres award in class action litigation;
- * A semiconductor company in a patent license dispute in an appeal before the Supreme Court of Delaware;
- * A major state university in the Seventh Circuit in cases involving employment-related claims under Title 7 and Section 1983;

Alternative Dispute Resolution Experience

Fellow, College of Commercial Arbitrators. Has served as sole arbitrator, panel arbitrator and panel chair for the American Arbitration Association in over 70 arbitration cases involving contract disputes, insurance coverage, ERISA, securities, utility agreements, attorneys' fees, banking practices, employment law, lawyer partnership agreements, products liability, warranties, coal supply agreements, covenants not to compete, distribution agreements, mining agreements and vendor disputes. Willing to serve in out-of-town arbitrations.

Alternative Dispute Resolution Training

AAA/ICDR/Mediation.org Panel Conference, 2016; AAA Dispositive Motions in Arbitration: Best Practices for Advocates & Arbitrators, 2016; AAA Panel Dynamics - Staying On Course When Things Don't Go As Planned, 2015; AAA Arbitrator Subpoenas: Are They Worth the Paper They're Printed On?, 2015; Faculty, AAA Imposing Sanctions in Arbitration: Just How Far Can You Go?, 2015; AAA An Arbitrator's Guide to Successfully Resolving e-Discovery Disputes, 2015; Faculty, AAA, Imposing Sanctions in Arbitration: Just How Far Can You Go?, 2015; AAA It's Not Just "Litigation Lite"-Making Rulings on Evidentiary Objections, 2015; Faculty, AAA Motion Practice in Arbitration: Worthwhile or an Expensive Distraction?, 2014; Co-Presenter, AAA Webinar, Writing Arbitration Awards - A Guide for Arbitrators, 2014; AAA Introducing New Commercial Rules, 2014; CBA Program, Arbitration: A Detailed Guide, 2013; ABA Litigation Section ADR Committee, Dealing with Attorneys Who Don't Play Well in the Sandbox: Identifying Tactics Intended to Derail Your Arbitration and How Best to Thwart Them, 2013; AAA Developments In Arbitration Law: Disclosure, Vacatur, Sanctions, and Arbitrator Authority, 2013; AAA Managing the Arbitration Process for Efficiency & Economy Following the Preliminary Hearing, 2012; AAA/ICDR Neutrals Conference, 2012; AAA Maximizing Efficiency & Economy in Arbitration: Challenges at the Preliminary Hearing, 2011; AAA Webinar, Ethics

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The AAA provides arbitrators to parties on cases administered by the AAA under its various Rules, which delegate authority to the AAA on various issues, including arbitrator appointment and challenges, general oversight, and billing. Arbitrations that proceed without AAA administration are not considered "AAA arbitrations," even if the parties were to select an arbitrator who is on the AAA's Roster.

101: Mediators, Arbitrators, Attorneys, 2011; CPR Advanced Arbitration Training, 2011; CPR Institute Regional CLE Series: Chicago, Topics in Mediation and Arbitration, 2011; AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002), 2010; CPR Advanced Arbitrator Training, How to Conduct Efficient Hearings and Avoid Common Pitfalls, 2009; AAA Webinar, Electronic Discovery in Arbitration: What you Need to Know, 2009; AAA Arbitrator Ethics & Disclosure (ACE003), 2009; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2009; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2009; AAA/ICDR Neutrals Conference, 2009; AAA Arbitration Roadmap: The Standard for Efficient and Cost Effective Arbitration, 2008.

Professional Licenses

Admitted to the Bar: Illinois, 1977; U.S. District Court: Central, Southern, and Northern Districts of Illinois; U.S. Court of Appeals: Seventh Circuit; U.S. Supreme Court.

Professional Associations

Chicago Bar Association (Past-President); Illinois State Bar Association (Past President); American Bar Association (House of Delegates); Appellate Lawyers Association (Past President); Lawyers Trust Fund of Illinois (Past President); Seventh Circuit Bar Association (Board of Governors); American Academy of Appellate Lawyers; National Academy of Distinguished Neutrals; General Chair, ADR Committee; Seventh Circuit Bar Association; Member, CPR Arbitration Committee.

Education

Miami University (BA, Political Science-1973); Southern Illinois University (JD-1977); Washington University (LLM-1979).

Publications and Speaking Engagements

Author of over 60 law review articles and bar publications on appellate, litigation and arbitration practice.

Citizenship Languages Locale

United States of America
English
Chicago, Illinois, United States of America

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Gerald G. Saltarelli, Esq.
Butler, Rubin, Saltarelli & Boyd LLP

Current Employer-Title	Butler Rubin Saltarelli & Boyd LLP - Partner
Profession	Attorney - Commercial Litigation
Work History	Partner, Butler Rubin Saltarelli & Boyd LLP, 1981-present; Partner/Associate, Winston & Strawn, 1973-81.
Experience	<p>Thirty-eight years of experience in complex, commercial litigation. Jury and bench trials in breach of contract and fraud actions, business torts, insurance coverage disputes, broker/producer actions, antitrust, products liability, trade secret and restrictive covenant matters, professional liability, and dealer/franchise litigation. In coverage matters, represented both insurers and policyholders in general liability, professional liability, and workers compensation disputes. Appellate experience before both state and federal courts of appeal. Court-appointed liaison counsel for defendants in products liability actions involving multiple plaintiffs and defendants. Lectured Chicago Bar Association and IICLE programs on rules of evidence, bad faith litigation, proof of damages, and discovery.</p> <p>Named a leader in alternative dispute resolution in The Best Lawyers in America (2006-2012). Identified as an Illinois Super Lawyer in Business Litigation (2005-2012). In Law Bulletin Publishing Group's 2012 survey of the top Illinois lawyers, designated as a "Leading Lawyer" in Commercial Litigation; ADR Law: Commercial Litigation; Insurance, Insurance Coverage & Reinsurance Law; and Professional Malpractice Defense Law.</p>
Alternative Dispute Resolution Experience	<p>Served as sole arbitrator, chair, or panel member in over a hundred arbitrations. Tried to conclusion and issued reasoned awards in dozens of domestic and international cases concerning:</p> <ul style="list-style-type: none">- Post-acquisition/ merger disputes;- Breach of or pricing under long term supply agreements;- Corporate/joint venture/professional firm membership, buy-out, and dissolution issues;- Dealer/franchisee terminations;- Insurance coverage and claims handling;- Broker/producer disputes;- Warranty and product quality claims;- Breach of purchase, licensing, and consulting agreements; and- Restrictive covenants, non-competition agreements, and diversion of corporate opportunities.
Alternative Dispute Resolution Training	AAA/ICDR/Mediation.org Panel Conference, 2016; AAA Arbitrator Subpoenas: Are They Worth the Paper They're Printed On?, 2015; AAA Impasse: Mediating in the "Red Zone"; AAA Avoiding Ten Common Missteps Arbitrators Make

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(ACE010), 2015; AAA Managing the Arbitration Process for Efficiency & Economy Following the Preliminary Hearing, 2013; AAA/ICDR Neutrals Conference, 2010, 2009; ICDR Joint Colloquium on International Arbitration, 2008; AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002), 2007; AAA Neutrals Conference, 2006, 2004, 2003; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics, 2005 (ACE005); AAA Practical Tips for Dealing with Delay Tactics of Parties and Advocates, 2004 (ACE004); AAA Arbitrator Ethics and Disclosure, 2004 (ACE003); AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2003 (ACE001); AAA Commercial Arbitrator II: Advanced Case Management Issues, 2002; AAA Arbitrator Update 2003, 2001; AAA Central Case Management Center, Administrative Issues Training, 2001; AAA/USATF Doping Grievance Arbitrator Training, 2000; AAA Commercial Arbitrator Training, 1999; AAA Basic Arbitrator Training, 1993.

Professional Licenses

Admitted to the Bar: Illinois, 1973; U.S. District Court: Northern (1980) and Central (1980) Districts of Illinois; Western District of Michigan, 1999; Eastern District of Wisconsin (1980); U.S. Court of Appeals, Seventh Circuit, 1982; Tenth Circuit, 1983; Eighth Circuit, 2007; D.C. Circuit, 2000.

Professional Associations

Chicago Bar Association; American Bar Association.

Education

Princeton University (AB-1969); State University of New York at Buffalo (MS-1970); University of Chicago (JD-1973).

Publications and Speaking Engagements

Speaker, Spring ARIAS Conference, May 2011; "Who Pays Defense Costs While Insurer and Policyholder Fight About Coverage," Corporate Counsel, March 2006; "Nobody Looks Good In An Orange Jumpsuit: What You Should Know About Sentencing For Criminal Antitrust Violations," Corporate Counsel, September 2005; "Are Your Distributors Actually Franchisees?" Corporate Counsel, March 2004; "A Pain in the Assets: Avoiding Successor Liability," Corporate Counsel, October 2003; "Firing Your Customer - Facing the Challenges of Changing Your Distribution Network," Corporate Counsel, September 2003; "We're Safe as Long as We Meet Outside the U.S. and Other Fairy Tales About the Scope of the U.S. Antitrust Laws," Corporate Counsel, December 2002; and "Attorney-Client Privilege and Work Product Protection After the Waste Management Decision," Coverage, Committee on Insurance Coverage Litigation, American Bar Association, November/December 1994.

**Citizenship
Languages
Locale**

United States of America
English
Chicago, Illinois, United States of America

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