



The Arbitration “Need to Knows”: Trends and Lessons for 2017 and Beyond

August 23, 2017

PROGRAM SUMMARY

Speaker: Melinda Jayson

Arbitration has proven that it can be a quick, efficient, fair and cost-effective dispute resolution process. To help reach the full potential that arbitration has to offer, there are critical steps that you can take to increase the likelihood of success in managing or chairing an arbitration and, by extension, ensure a process that provides at minimum a reasonable level of confidence and satisfaction for the parties and advocates. This 60-minute webinar will focus on the things an arbitrator needs to know to cultivate the parties’ buy-in to the arbitration process.

AGENDA

1:00 p.m.	Welcome and Introduction of Speakers	(5 minutes)
1:05 p.m.	“Need to Knows” <ul style="list-style-type: none">• Administered vs. ad hoc arbitration• Optimal use of the arbitrator selection process• Importance of an accurate and truthful arbitrator resume• Role of confidentiality/party privacy in arbitration, including issues such as data breach and how to ramp up data security• Value of an efficiently run process, including such matters as scope of claims, discovery, document exchange, when and how to use a Scott Schedule, witnesses, etc.	(45 minutes)
1:50 p.m.	Conclusion and Questions	(10 minutes)
2:00 p.m.	Evaluation	(5 minutes)
2:05 p.m.	Adjourn	



Melinda G. Jayson, Esq.
Melinda G. Jayson, P.C.

Current Employer-Title	Melinda G. Jayson, P.C.
Profession	Attorney
Work History	Melinda G. Jayson, P.C., 1989-present; Counsel, Cox Smith Matthews Incorporated, 2008-2009; General Counsel, Hall Financial Group and affiliates, 1999-2008; Partner/Associate, Akin, Gump, Strauss, Hauer & Feld LLP, 1980-1996.
Experience	<p>Large law firm commercial litigation partner experience representing claimants and respondents.</p> <p>General Counsel experience for a holding company, including subsidiaries and affiliates, in the United States and Europe, with specific involvement in real estate development and construction issues (including participation in ongoing project development meetings and resolution of legal issues for development sites and existing commercial and multi-family properties), energy subsidiary activities, securities offerings (including private placements, investments in publicly-traded securities, and claims), financing activities (counseled company on both mezzanine lending activities as lender and in its capacity as borrower), software and technology subsidiary activities (including licensing agreements, patent prosecution, and sales), winery construction and development, agricultural issues (crops, employees, and claims), retail distribution of alcoholic beverages and general retail sales.</p> <p>Primary substantive experience includes:</p> <p>General commercial and corporate disputes, and fiduciary issues (domestic and international, public and private entities): equity investments, contracts, disputes among family members and owners in closely-held businesses, buy/sell agreements, asset sales, purchase price adjustments, securities offerings and disclosures, partnership disputes, shareholder rights, officer and director claims.</p> <p>Mergers & Acquisitions: asset sales, stock and warrant transactions, post-closing adjustments, international manufacturing and hospitality entity acquisitions and divestitures. Extensive corporate transactions experience as General Counsel.</p> <p>Joint Ventures: dissolution, asset distribution among owners in closely-held businesses, real estate ownership issues.</p> <p>Professional malpractice and franchising: legal and accounting malpractice, audit management, disclosures, franchisor/franchisee issues.</p>

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Real estate, financing, and construction (domestic and international): commercial real estate development; construction, permanent and mezzanine lending; collateral and securitization; foreclosure; leasing; maintenance; permitting; environmental compliance. Industry sectors: commercial, retail, multi-family, hospitality, winery, and agricultural.

Health care: providers, hospitals, insurers (including CMS issues), long-term care facilities, patient issues.

Insurance, personal injury, and casualty claims: coverage; disputes among brokers, insurers, and customers; managed disposition of all insured plaintiff and defendant claims (personal injury, casualty, and property damage) occurring at properties owned by holding company as General Counsel.

Technology: development agreements and rights; software development, royalty, and contracting; rights in or to intellectual property; ownership of trademarks and patents; relations among competitors.

Employment matters: non-compete agreements, executive compensation including stock options and termination, employee rights under employer-offered insurance programs, issues relating to foreign national employees and employees on the high seas, general employment-based issues.

International: general commercial and corporate transactions, including management of ongoing legal issues for subsidiaries of holding company in western and central Europe, purchases and sales of foreign businesses (particularly in hospitality industry), employment matters involving foreign nationals, issues relation to luxury sea vessels (including purchase, employment issues, liability, and related issues).

Other experience:

Served as the attorney member of an advisory council for a healthcare facility providing skilled nursing/rehabilitation, long term care, and assisted living to senior citizens, including analysis of Medicare and payor/provider issues.

Managed operations and directed investment decisions for a privately-held investment entity owning real estate and public securities.

Alternative Dispute Resolution Experience

Fellow, Chartered Institute of Arbitrators (FCIArb). Fellow, College of Commercial Arbitrators. Substantial domestic U.S. and international ADR experience in complex commercial disputes since early 1990s, combining large law firm litigation partner experience with corporate General Counsel legal and business operational understanding of commercial issues. Arbitration awards authored in over 200 cases, involving billions of dollars (US) in claims. Selected in 2005 to the first AAA/National Research Exchange panel of forty arbitrators in the nation to arbitrate analyst research disputes in the public securities markets.

Texas' Top-Rated Lawyers, 2012-17 under "Alternative Dispute Resolution" ALM (The American Lawyer, Corporate Counsel, The National Law Journal, and Texas

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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.

Lawyer magazines). Top Rated Lawyers 2014-17 under "Litigation," ALM (The American Lawyer, Corporate Counsel, The National Law Journal, and Texas Lawyer magazines). Legal Leaders: Texas, 2016-17, Texas Lawyer magazine. Selected to International Bar Association's Who's Who Legal: Texas (print edition 2008) under "Arbitration" as "a 'very fine practitioner' in the eyes of her peers Recognized for her work as both arbitrator and counsel ... across a range of sectors including commercial, health care, corporate, and employment...." Selected to Texas Lawyer magazine's "In-House Crowd," 2005. Finalist, Texas General Counsel Forum's Magna Stella In-House Counsel Awards in the "Small Legal Department" category, 2007.

Recipient, various years, "Neutral Arbitrator and Mediator of the Year - USA," "Arbitrator of the Year - Texas," "Complex Business Disputes Specialist of the Year - Texas," "Commitment to Mediation - USA," "Health Care Arbitration Legal Practice of the Year - Texas," Acquisition International magazine.

Specialty Track Chair, Fourteenth and Fifteenth Spring Conferences of the American Bar Association's Dispute Resolution Section, 2012 and 2013.

Alternative Dispute Resolution Training

Motion Practice Under AAA Rules – What You Need to Know, 2017; Out of Sight, Out of Mind: What You Need to Know about Preventing and Arbitrating Business-to-Business ("B2B") Data Breaches, 2017; AAA/ICDR/Mediation.org Panel Conference, 2016; Faculty, Effective Advocacy and Management in Arbitration, 2016; Faculty, AAA Top Techniques for Improving Arbitration Case Management Efficiency, 2015 and 2016; International Council for Commercial Arbitration ("ICCA") 22nd Biennial Congress "Legitimacy: Myths, Realities, Challenges," 2014; AAA Healthcare Dispute Resolution Innovation & Strategy Conference, 2014; Faculty, AAA Protocols, Processes and Protecting the Award 2014; 11th Annual ICDR Miami International Arbitration Conference-International Dispute Resolution in the Americas, 2013; Institute for Transnational Arbitration, International Arbitration From the Arbitrator's Perspective, 2013; 29th AAA-ICDR/ICC/ICSID Joint Colloquium, The Frontiers of Arbitration, 2012; Institute for Transnational Arbitration, The Final Curtain: Post-Hearing Submissions, Deliberations and Enforcement, 2012; AAA/ICDR Neutrals Conference, 2012, 2010, 2009; ICDR International Symposia in Advanced Case Management Issues, 2012; Institute for Transnational Arbitration, The Merits Hearing - Getting the Message to the Tribunal, 2011; AAA Regaining Speed and Economy in Dispute Resolution, 2011; Faculty, AAA Thirty Steps to a Better Arbitration, 2011; AAA The Ethics Behind "Better, Faster, Cheaper" in ADR, 2011; Institute for Transnational Arbitration, Commencing an International Commercial Arbitration: Fundamentals and Strategy, 2010; AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002), 2008; State Bar of Texas ADR Section, Arbitration Roundtable, 2010, 2009, 2007; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2006; AAA Neutrals Conference, 2005; AAA Practical Tips for Dealing with Delay Tactics (ACE004), 2005; AAA Arbitrator Ethics & Disclosure (ACE003), 2004; AAA Arbitration Awards:

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Safeguarding, Deciding & Writing Awards (ACE001), 2003; AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2001; AAA Arbitrator Update 2001; NASD Regulation Chairperson Arbitrator Training, 2000; EEOC, Mediator Training, 1999; AAA Neutrals' Retreat, Commercial Arbitrator Training, 1998; AAA Panel Retreat, 1997; Faculty, AAA Securities Arbitrator Training; Faculty, AAA Arbitrator Training; various training through the Dallas Bar Association and the Society of Professionals in Dispute Resolution.

Professional Licenses

Admitted to the Bar: Texas, 1980; U.S. District Court: Northern and Southern Districts of Texas; U.S. Court of Appeals: Fifth, Eighth, and Eleventh Circuits; U.S. Supreme Court.

Professional Associations

Fellow, Chartered Institute of Arbitrators (FCIArb); Fellow, College of Commercial Arbitrators (Outreach Committee, 2014-15; Video Project co-chair, 2015-16); Dallas Bar Association; State Bar of Texas (Alternative Dispute Resolution Section Council member, 2012-15; Grievance Committee Professionalism Enhancement Program Subcommittee, 1997-99); Institute for Transnational Arbitration (Advisory Board); American Health Lawyers Association; United States Council for International Business; SMU Dedman School of Law Corporate Counsel Symposium (Past Advisory Board).

Education

University of Texas (BA, with highest honors-1977; JD, with honors-1980). Pepperdine University School of Law (LLM courses in Alternative Dispute Resolution).

Publications and Speaking Engagements

Speaker, "Mock Arbitration Panel," State Bar of Texas Alternative Dispute Resolution Section, 2017; Speaker, "AAA Diversity Roundtable: A Look Into Diversity in the Field of ADR," American Arbitration Association webinar, 2016; Speaker, "Secrets of Success - Arbitration Pre-Hearing & Hearing Best Practices," AAA and CCA Effective Advocacy and Management in Arbitration, 2016; "Top Techniques for Improving Arbitration Case Management Efficiency," American Arbitration Association webinar, 2015 and 2016; "Protocols, Processes, and Protecting the Award," American Arbitration Association webinar, 2014; "The Dispute Resolution Spectrum," Alternative Dispute Resolution Section of the Dallas Bar Association, 2012; "Arbitrators' Roundtable," State Bar of Texas Alternative Dispute Resolution Section, 2010 (Austin), 2009 (Fort Worth), 2007 (Fort Worth); "Thirty Steps to a Better Arbitration," American Arbitration Association, Dallas, 2011, 2005; "State Regulatory Issues for Broker-Dealers and Investment Advisers After NSMIA," National Society of Compliance Professionals, Southern Regional Membership Meeting, 1998; "Preparation and Presentation of a Case in Arbitration," Texas Wesleyan University School of Law, 1996; "New Insights Into Defense Motions to Dismiss, From the Fifth Circuit," Panel Counsel Forum, Fall 1995; "Document Retention Policies," Attorney-Client Privilege Work Product Doctrine, 1993. Chapter author, "Mediator / Arbitrator," chapter 9, *24 Hours With 24 Lawyers: Profiles of Traditional and Non-Traditional Careers*, published by West/Thomson Reuters, 2011.

Awards and Honors

Fellow, Chartered Institute of Arbitrators (FCIArb).
Fellow, College of Commercial Arbitrators (Outreach Committee, 2014-15; Video

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Project co-chair, 2015-16).
Texas' Top-Rated Lawyers, 2012-17, under "Alternative Dispute Resolution," ALM (The American Lawyer, Corporate Counsel, The National Law Journal, and Texas Lawyer magazines).
Top Rated Lawyers 2014-17, under "Litigation," ALM (The American Lawyer, Corporate Counsel, The National Law Journal).
Legal Leaders: Texas, 2016-17, Texas Lawyer magazine.
D Magazine "Best Lawyers in Dallas" under "Alternative Dispute Resolution/Mediation," 2016.

Recipient, various years, "Neutral Arbitrator and Mediator of the Year - USA," "Arbitrator of the Year - Texas," "Complex Business Disputes Specialist of the Year - Texas," "Commitment to Mediation - USA," "Health Care Arbitration Legal Practice of the Year - Texas," Acquisition International magazine.

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AV Rated, Martindale-Hubbell.

Citizenship
Languages
Locale

United States of America
English
Dallas, Texas, United States of America

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