



Robert B. Davidson, Esq., FCI Arb

Mediator, Arbitrator, Referee/Special Master, Neutral
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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 200 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, pharmaceutical licensing disputes, disputes under APA and SPA agreements, construction, insurance and reinsurance claims, oil and gas disputes, securities, tax, 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 domestic panels, ICDR, the International Chamber of Commerce, the Netherlands Arbitration Institute, the Singapore International Arbitration Centre (SIAC), and *ad hoc* panels.

Mr. Davidson has also mediated numerous commercial disputes involving securities, intellectual property, M&A transactions, sales of goods, tax, employment, construction, real estate, aircraft leasing, and other commercial matters.

Representative Matters

- **Accounting**
 - Arbitration
 - 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**
 - Arbitration
 - Appointed by jet engine repair company in arbitration brought by aircraft lessee; arbitrator in dispute involving sale of airline servicing company
 - Appointed in an ICC proceeding in dispute by non-US airline against software company for breach of contract to create reservation systems
 - Mediation
 - Mediated dispute between lessor/owner of aircraft and defaulting lessee, including claim by lessee of defective engines
- **Bankruptcy**
 - Arbitration
 - Arbitrated claim by acquirer of telecommunications business against liquidating trustee for monies owed, chair of AAA panel arbitrating bankruptcy trustee's claims under fidelity and excess bond carriers
 - Mediation
 - Appointed by the U.S. Bankruptcy Court to mediate claims of unsecured creditors in a major brokerage bankruptcy
- **Construction**
 - Arbitration
 - 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 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; Chair of ICC panel hearing claims of contractor-lessee against lessor of tunnel boring machine for use in Seattle light rail project; party-appointed arbitrator for the owner hearing claims arising out of a contract in Brazil for the construction of civil works to house a corrugated cardboard factory

- Chair of Arbitration Panel under CPR Non-Administered Rules involving dispute between former co-venturers under a Collaboration and License Agreement for the design, engineering and marketing of a device to assure the integrity of sea containers entering U.S. ports
- Chair of ICC Arbitration Panel in dispute by Resort Manager and lessee against Thai landlord for termination of lease of resort property caused by alleged *force majeure* event
- Chair of Arbitration Panel in dispute by Owner against developer of Manhattan commercial property for alleged failure to abide by green standards and other provisions of development agreement
- Sole Arbitrator in dispute by Painting Contractor v. Owner of multiple dwellings for compensation under painting contract
- Mediation
 - Claim by one joint venturer against the other relating to extra concrete and structural steel work performed on a multiple dwelling in New York City
 - Claim by property owner against contractor for foundation and other damage caused by demolition work done on neighboring building
 - Claim against for failure to pay performance bond triggered by defaulting carpentry subcontractor
 - Claim by owner-developer against resort property manager for damages arising out of delays allegedly caused by manager's design and other changes
 - Construction defect claims brought by owner of Long Island estate against general contractor
 - Claims brought by owner against hotel manager of major Miami condo/hotel
- **Employment**
 - Arbitration
 - Arbitrated several employment claims brought by investment bankers involving claims to bonus, base compensation and carried interest upon termination; claims by general counsel of dot.com company for loan forgiveness; claims of executives for wrongful termination and breach of contract; claim by law firm partner for gender discrimination and disparate pay; claims of executives for wrongful termination; claims under ADEA, and Title VII; claim to contractual compensation to be computed pursuant to a formula related to loan origination and profitability brought by group employed by foreign bank; dispute between shareholders of closely-held company and terminated employee/shareholder in action to compel buyout of terminated employee/shareholder's equity interest; dispute between software manufacturer and former shareholder/employee to enforce restrictive covenant.

- Mediation
 - 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 oversees employee over correct computation of tax equalization under employment contract; mediated disparate pay dispute between female investment banker and employer. Mediated numerous claims involving, among others, executive compensation (rights to bonus compensation, carried interests, or stock options); vesting disputes; whistleblower claims; ERISA disputes; ADEA and Title VII claims; FSLA claim involving the construction industry.
- **Energy**
 - Arbitration
 - 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 a (manufacturer) dispute brought by Indian wind turbine manufacturer against U.S. component (bearing) manufacturer; sole arbitrator in *ad hoc* arbitration brought by insured for business interruption losses caused by explosion and fire at refinery; arbitrated dispute brought by contractor for damages arising out of remediation services performed in the aftermath of the Deepwater Horizon disaster
- **Engineering and Construction**
 - Arbitration
 - Chair of Arbitration Panel under CPR Non-Administered Rules involving dispute between former co-venturers under a Collaboration and License Agreement for the design, engineering and marketing of a device to assure the integrity of sea containers entering U.S. ports
 - Chair of ICC Arbitration Panel in dispute by Resort Manager and lessee against Thai landlord for termination of lease of resort property caused by alleged *force majeure* event
 - Chair of Arbitration Panel in dispute between Owner and Prime Contractor in dispute involving a direct roll, anneal and pickle (DRAP) line pre-pickling project for the design, fabrication and installation of pre-pickling system to treat stainless steel with various types of acid
 - Chair of Arbitration Panel in dispute by Owner against Developer of Manhattan commercial property for alleged failure to abide by green standards and other provisions of development agreement
 - Party Appointed Arbitrator for General Contractor, as assignee of Owner in infrastructure dispute against Architect for delay and negligence in design services rendered in connection with construction of cogeneration plant at Kennedy Airport
 - Sole Arbitrator in dispute by Painting Contractor v. Owner of multiple dwellings for compensation under painting contract
 - Mediation

- Claim against surety for failure to pay performance bond triggered by defaulting carpentry subcontractor
 - Claim by owner-developer against resort property manager for damages arising out of delays allegedly caused by manager's design and other changes
 - Claim involving indemnification by buyer of company engaged in construction of subway car door mechanism used in the London underground
- **Entertainment**
 - Arbitration
 - Arbitrated dispute between television personality and network over termination
 - Mediation
 - 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; mediated several disputes over use of copywrited music in commercial settings
- **General Commercial**
 - Arbitration
 - Arbitrated \$1.7 billion ICC claim against seller of businesses for alleged breach of financial warranties; arbitrated various disputes, both domestic and international, involving sales of goods under the UCC or the CISG; Arbitrated 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
 - Mediation
 - 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
- **Insurance**
 - Arbitration
 - Chair of AAA panel arbitrating claims of liquidating trustee against fidelity bond and excess insurers arising out of insolvency of major brokerage and securities business;
 - Arbitrated coverage cases involving political risk insurance, property and casualty, excess insurance, reinsurance, environmental loss, D&O and E&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; arbitrated claims under rep and warranty insurance policies; arbitrated first party loss and business interruption claims arising out of upheaval buckling of undersea pipeline

- Prof. Basketball Club v. Insurer (action for coverage for injured player; Chair of panel)
- U.S. corp. v. Bermuda excess insurer (coverage issues relating to losses sustained in securities class action litigation; party-appointed arbitrator for the insured, London venue)
- Member of panel arbitrating claim by major oil company against excess insurer for losses sustained in litigation over pollution claims
- Insured-educational institutions v. D&O Insurer (for costs incurred in defense of arbitrations brought by former students; defense based on exclusion for "professional services") (Chair of panel)
- U.S. corp. v. U.K. insurer (coverage issue relating to product recall insurance; Chair of panel)
- U.S. insurer v. Insured, action brought by insurer to recover damages for insured's alleged impairment of subrogation rights (sole arbitrator)
- U.S. insurer v. Insured, action by insurer for premiums allegedly due
- U.S. insurer v. U.K. insured (action to interpret political risk insurance policy) (sole arbitrator)
- Arbitration between broker and excess insurer to allocate losses paid to insured under first party property and casualty policy (Chair of panel)
- Arbitration brought by insured against insurer on a Fiscal Event Insurance Policy insuring against the risk of loss of tax deductions for premiums paid on life insurance policies purchased by corporate insured
- Arbitration brought by insured for recovery for business interruption losses under so-called Equipment Breakdown endorsement (sole arbitrator)
- Arbitration brought by insured and insurer for declaration of liability and damages arising out of lawsuit against corporate directors; application of various exclusions (director v. director, among others)
- Arbitration brought to determine allocation between covered and uncovered losses under an executive and organization liability policy
- Arbitration by insured against excess carrier for failure to pay loss in excess of primary policy limits where primary insurer had paid its limits
- Arbitration of claim involving first party loss and business interruptions arising out of upheaval buckling of undersea pipeline (London venue)
- Mediation
 - 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
 - Claim against surety for failure to pay construction performance bond
 - E&O coverage dispute involving claim against agent for conversion of premiums
 - Insurer's claim against agent for failure to remit premium; counterclaim for alleged improper rating

- Claim against property insurer for losses sustained due to September 11th attack (defenses based on “intermediary’s” alleged lack of authority to increase insurer’s limits)
- Claim by insured against primary insurer and broker for failure to notify excess insurers of significant loss
- Claim by primary insurers, as assignees of their insured owner, against the insurer for a contractor who had disclaimed coverage
- Claims by beneficiaries of STOLI policies against life insurance company; claims of fraud in the applications
- Claim by food company against insurer on policy relating to product recalls
- Claim by injured plaintiffs against product liability insurer for personal injury arising out of defective toys (product liability)
- Claim by life insurance company against departing MGA and competitor for alleged violation of non-solicitation agreement and related tort claims
- Supplemental
 - Arbitrations involving insurance issues in which Mr. Davidson when he was still in practice, acted as counsel to a party:
 - *London-based bank v. U.S. insurance company*, 36 separate arbitrations involving claims disputes and interpretive issues arising out of two credit risk insurance policies
 - *U.S. insurance company v. Departing executive-owner*, stock valuation for purpose of executive buyout
 - *U.S. reinsured v. Offshore reinsurer*, reinsurance coverage dispute
 - *U.S. auto insurer co. v. Reinsurer*, reinsurance coverage dispute involving meaning and effect of coverage “subject to no known or reported losses”
 - *Offshore reinsurer v. U.S. reinsured*, reinsurance commutation dispute
 - *U.S. insurer v. U.S. savings & loan association*, applicability of director vs. director exclusion in corporation’s E&O policy
 - Claim by nuclear power plant for property damage caused by “incident” reported to the NRC

- **Intellectual Property**

- Arbitration
 - Sole arbitrator in a validity and infringement dispute involving a patent relating to the balancing of 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 of an aortal stent and his licensee; member of tripartite ICC panel empaneled to resolve dispute over alleged misappropriation and misuse of trade secrets (manufacture of wafers used as components in microchips); member of tripartite ICDR panel empaneled to resolve dispute over alleged misappropriation and misuse of trade secrets (manufacture of photodetectors used in solar cells); chair of ICDR panel resolving dispute over the scope of a patent license agreement under which a holder of SEPs was obligated to license certain telecommunications technology on FRAND terms to licensee

- Acted as sole arbitrator in patent infringement arbitration (validity and infringement) involving a process used in the automotive industry. The matter arose out of a private agreement between competitors to arbitrate future patent disputes in accordance with detailed procedural stipulation (*ad hoc* arbitration using AAA Patent Arbitration Rules)
- Chair of panel involving alleged breach of license agreement brought by inventor of an aortal stent against pharmaceutical company; allegations were that licensee either failed to exploit the invention as promised or abandoned the promised commercialization (ICDR Rules)
- Party-appointed arbitrator on Tribunal involving alleged breach of license agreement between European drug company and U.S. pharmaceutical company; allegations that licensee failed to engage in good clinical practices in attempts to obtain drug approval from U.S. and European regulators (anti-infective); Netherlands Arbitration Institute Rules
- Party-appointed arbitrator in dispute involving alleged breach of license agreement under which a U.S. pharmaceutical company licensed a drug to a Japanese licensee who agreed to perform the needed testing and to obtain approval for the marketing of the pharmaceutical in Japan
- Chair of ICDR panel involving dispute over a license agreement between a pharmaceutical company-licensor and a large European pharmaceutical company-licensee that agreed to obtain FDA approval for the marketing of the pharmaceutical in the United States. Licensor alleged breach by reason of the licensee's alleged failure to conduct Phase 3 trial properly
- Chair of panel involving dispute over license agreement between Swedish patent holder and U.S. company involving alleged breach of contract to seek U.S. agency approval and then purchase of devices used to secure ocean-going shipping containers (CPR Non-Administered Rules)
- Member of tripartite ICC panel empaneled to resolve dispute over alleged misappropriation and misuse of trade secrets (manufacture of wafers used as components in microchips)
- Member of tripartite ICDR panel empaneled to resolve dispute over alleged misappropriation and misuse of trade secrets (manufacture of photodetectors used in solar cells)
- Chair of ICDR panel resolving dispute over the scope of a patent license agreement under which a holder of SEPs was obligated to license certain telecommunications technology on FRAND terms to licensee
- Chair of panel resolving dispute over the misuse and misappropriation of confidential information which the Respondent allegedly used in the development and patenting of a new pharmaceutical
- Litigation Experience
 - When in practice, acted as trial counsel in two Markman hearings, one relating to a patent for a means of connecting a two-piece brushgear used in direct current electric motors, and another involving a patent for the delivery of audio and video signals via a hybrid fiber optic- coaxial cable network; also represented holder of patent for a configuration of satellites in geostationary orbits used for the continuous transmission of radio signals.

- **International & Cross-Border**

- Arbitration

- M&A dispute brought by buyer alleging breach of financial warranty in acquisition agreements (ICC, Frankfurt venue)
- Dispute over alleged misappropriation of trade secrets relating to the manufacture of semi-conductors (LCIA Rules)
- Dispute between French and American companies over alleged misappropriation of trade secrets involving the development of a new pharmaceutical (diabetes drug)
- Chair of panel in dispute over post-closing adjustments and other claims arising out of the sale of an oil company in South America to state-owned entities of Korea and Colombia (ICDR, New York venue)
- Insurance coverage dispute between London insurer and international oil company over casualty and business interruption losses arising from a broken pipe in the North Sea (London venue)
- Dispute between Chinese and American manufacturers of aircraft parts and components (ICC, Washington D.C. venue)
- Dispute over alleged breach of a pharmaceutical license agreement between a Korean licensor and U.S. based licensee
- Dispute involving U.S. licensor of drug used in connection with cardiac surgery against licensee for abandonment of Phase III trial on grounds of “futility” (ICDR, New York venue)
- European pharmaceutical company licensor v. U.S. licensee for damages allegedly caused by failure to obtain regulatory approvals (NAI Rules, Hague venue)
- S. pharmaceutical licensor vs. Japanese licensee for alleged failure to commence Phase III trials in Japan (ICDR, New York venue)
- Asian insurer v. electric cord manufacturer (action by subrogee of computer equipment manufacturer against component supplier for loss suffered in U.S. litigation; HKIAC Rules and Hong Kong venue)
- Chinese tire manufacturer v. U.S. tire distributor (action to enforce jurisdictional and CIETAC arbitration provisions of sales agreement in defense of U.S. product liability litigation; CIETAC Rules, Beijing venue)
- Singaporean carbon monoxide supplier vs. Singaporean user for alleged breach of requirements contract (ICC, New York venue)
- Charter dispute between owner and vessel charterer
- Aircraft lessee v. Non-U.S. jet engine repair facility (dispute over return of engine)
- Non-U.S. credit card franchisees v. Successor to franchisor (dispute over diminution in value of franchise due to changes to the business imposed by successor to franchisor) (ICC Rules, London venue)
- European airline v. Software services provider (dispute over agreement to provide certain reservations functionality) (ICC Rules, London venue)
- Asian investment fund v. Entrepreneur (dispute over repayment of monies advanced) (HKIAC Rules, Hong Kong venue)
- European resort operator v. Landlord (dispute over long term lease of resort property in Thailand) (ICC Rules, Geneva venue)
- Acquirer of international business v. Seller (proper allocation of tax liabilities)

- among three parties created by two spin-off transactions)
- Acquirer of international business v. Seller (determination of tax allocations in accordance with terms of acquisition agreement)
- Buyer of international construction business v. Seller (quantification of post-closing adjustments due in connection with sale of business)
- East Asian buyer v. U.S. seller (action by buyer of chemicals for losses incurred arising out of seller's chartering of allegedly unseaworthy vessel)
- Equity investor v. Investment partners (dispute over alleged failure to capitalize Argentine business)
- Major university v. Investors (dispute arising out of technology funding agreement)
- Oil Exploration Company v. Oil Exploration Company (action for reversal of dilution of share interest in joint venture)
- Oil trading company v. Agent for sovereign buyer (breach of contract for sale of fuel oil)
- Philadelphia importer v. Chilean grower (dispute involving alleged breach of contract for the sale of Chilean grapes)
- Private equity fund v. Placement agent (alleged breach of engagement letter between fund and capital placement agent)
- Purchaser of chemical business v. Seller (action for fraud and rescission due to seller's alleged presale participation in illegal scheme to inflate price of manufactured product)
- Shoe seller v. Asian sales agent (alleged breach of contract to arrange for manufacture of shoes)
- Offshore excess insurer v. Insured (coverage dispute under property casualty excess policy)
- Buyer of healthcare business v. Seller (dispute over post-closing purchase price adjustment)
- Inventor of medical device v. Major U.S. pharmaceutical company (dispute over licensee's alleged failure to exploit invention)
- Patent holder v. Alleged infringer (dispute involving disambiguation software over enforceability of mediated settlement calling for joint efforts to develop new product)
- Investor v. Asian insurance company (dispute over investor's right to sell shares and valuation of investor's interest)
- Investment advisor v. Asian company (dispute over fees allegedly owed for merger advice and financing services rendered)
- S. company v. U.K. joint venture partner (dispute over performance of joint venture agreements relating to marine container business)
- S. insurer v. U.K. insured (action to interpret political risk insurance policy)
- Executive v. Non-US company (dispute over compensation including right to acquire stock)
- Mediation
 - Mediated M&A dispute between U.S. seller and French buyer over failure to pay earn-outs
 - Mediated securities class action brought by Singaporean investors against U.S. investment bank
 - Mediated dispute between non-U.S. lessor/owner of aircraft and defaulting

- lessee, including claim by lessee of defective engines
- Mediated product liability dispute between insurer and minor plaintiffs injured by the ingestion of magnets contained in toys made in China
- Mediated dispute between buyer and seller of construction business over indemnification for customer claim involving alleged defects in subway cars used in the London Underground
- Mediated dispute between cruise ship operator and French/English suppliers of steering mechanisms
- Mediated distributorship termination dispute (ATM machines) between U.S. manufacturer and Indonesian distributor
- Mediated dispute involving U.S. and non-U.S. producers of petroleum products sold worldwide (mediation resolved three LCIA arbitrations then pending)
- Dispute between investment bank and former overseas employee over correct computation of tax equalization under employment contract
- Mediated various disputes between investment bankers employed in overseas offices and U.S. and non-U.S. employers
- Mediated trademark dispute between U.S. and Korean companies involving alleged dilution under state law and Lanham Act
- Mediated dispute among foreign investors in adr's issued by non-U.S. company (private placement of shares of publicly traded company)
- Mediated dispute between a U.S. software licensor and European licensee
- Mediated break-up dispute between partners of hedge fund headquartered in Japan and specializing in the trading of Japanese equity securities
- International Claims
- When in practice, Mr. Davidson acted as counsel prosecuting or defending claims against sovereign states. He was also chief trial counsel in the following arbitrations at the Iran-US Claims Tribunal:
 - **Arbitrations at the Iran-U.S. Claims Tribunal (“The IUSCT”):**
 - Sedco, Inc., etc. v. National Iranian Oil Co., et al.; Award No. ITL 55-129-3 (28 October 1985); Award No. ITL 59-129-3 (27 March 1986); and Award No. 309-129-3 (7 July 1987) (award of over \$116 million, the largest award as of that date from the Tribunal, in compensation for breach of drilling contracts and expropriation of assets)
 - Sedco, Inc., et al. v. Iran Marine Industrial Co., et al.; Award No. 419-128/129-2 (30 March 1989) (Award of over \$28 million in compensation for expropriation of shipyard)
 - Houston Contracting Company v. National Iranian Oil Co.; Award No. 378-173-3 (22 July 1988) (Award of over \$22 million for breach of pipeline construction contracts and expropriation of assets)
 - Reading & Bates Corporation, et al. v. National Iranian Oil Co.; Award on Agreed Terms, Award No. 95 28-1 (19 December 1983) (expropriation of offshore drilling rig and breach of drilling contract)
 - Reading & Bates Exploration Co. and Irano Reading & Bates S.S.K. v. National Iranian Oil Co.; Award on Agreed Terms, Award No. 513-29-1 (21 June 1991)
 - Geo J. Meyer Manufacturing Division of Figgie Int’l, Inc. v. Zam Zam Bottling Co.; Award on Agreed Terms, Award No. 178-299-1 (23 May

- 1985) (payment for dishonored drafts accepted by expropriated Iranian company)
- Tidewater, Inc. and Tidewater Marine Services, Inc., et al. v. National Iranian Oil Co., et al.; Award on Agreed Terms, Award No. 188-176-2 (6 September 1985) (dispute over payment for services contract)
 - Tidewater, Inc., et al. v. National Iranian Oil Co., et al.; Award on Agreed Terms, Award No. 199-175-2 (14 November 1985) (same)
 - Procon International, Inc. v. The Islamic Republic of Iran, National Iranian Oil Company, et al.; Award on Agreed Terms, Award No. 130-436-1 (6 June 1984) (breach of services contract)
 - H.A. Spalding & Co. v. Ministry of Transportation and Roads of the Islamic Republic of Iran; Award No. 212-437-3 (24 February 1986) (advisory counsel; breach of construction contract)
 - Arthur Young & Co. v. Islamic Republic of Iran, et al., IUSCT Claim No. 484, Chamber I (advisory counsel; breach of contract for services)
 - **International Arbitrations as counsel before other tribunals:**
 - Canadian wheat seller v. Italian pasta manufacturer, breach of contract for the sale of wheat-NAEGA Rules
 - Editoriale Giorgio Mondadori, S.p.A. v. Conde Nast Publications, Inc., action by licensee for wrongful termination of license to publish Italian edition of Architectural Digest magazine
 - European distributors of “stents” and related medical products v. U.S. manufacturer, action by European distributor and subsidiary distributors against U.S. manufacturer for breach of distribution agreements related to medical products
 - London-based bank v. U.S. insurance company, 36 separate arbitrations involving claims disputes and interpretive issues arising out of two credit risk insurance policies that insured the repayment of loans to African sovereign borrowers
 - Major U.S. defense contractor v. Kuwaiti sales agent, termination of Kuwaiti sales representative and counterclaim for commissions allegedly due (ICC)
 - Major U.S. offshore drilling contractor v. Iranian state-owned oil company, appropriation or conversion of assets located offshore Iran (ICC)
 - Major U.S. onshore drilling contractor v. Algerian state-owned oil company, breach of joint venture agreement; valuation of seized drilling equipment located in Algeria (ICC)
 - Seller of Polish fixed line telephone business v. Defaulting Buyer, action for breach of contract to purchase business (ICC)
 - Seller of Industrial Business v. Defaulting buyer, action for failure to purchase business; counterclaim for fraud (Netherlands Arbitration Institute)
 - Offshore reinsurer v. U.S. reinsured, reinsurance commutation dispute
 - Richard Blumberg, as receiver for Accurate Calculator Corp. v. T.E.A.L., breach of contract against Japanese manufacturer for sale of defective goods
 - Shareholder v. Co-owners of family business, action by dissident

shareholder of closely held corporation to exercise certain option rights in Canadian company

- Sperry International Trade v. Ministry of War of the Government of Israel; special counsel relating to obtaining of provisional remedy in aid of arbitration. See *Sperry IntlTrade v. Government of Israel*, 689 F.2d 302 (2d Cir. 1982) (ICC)
- U.S. coal company v. Japanese steel company, alleged breach of long term supply contract for the purchase and sale of coal (ICC)
- U.S. reinsured v. Offshore reinsurer, reinsurance coverage dispute
- U.S. vegetable oil trading company v. Japanese-based seller, breach of contract for the sale of Tung Oil -Tung Oil Association Rules
- Uganda Coffee Marketing Board v. Companie Agricole, etc., breach of contract for the sale of coffee-Green Coffee Association Rules

- **Maritime**

- Arbitration

- 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**

- Arbitration

- 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; Chair of panel resolving dispute over the misuse and misappropriation of confidential information which the Respondent allegedly used in the development and patenting of a new pharmaceutical (diabetes drug); Chair of panel resolving claims between two pharma companies involving a contract for the manufacture and sale of diagnostic tests

- **Product Liability**

- Mediation

- Mediated dispute between insurer and minor plaintiffs injured by the ingestion of magnets contained in toys made in China

- **Real Estate**

- Arbitration

- 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**

- Arbitration

- 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 Eleven claim against a major bank arising out of the Enron bankruptcy cases
 - Major investment bank v. Major investment bank, action involving disputed trade of credit default swap
 - Asian investment company v. Entrepreneur, action on promissory note executed by seller of internet business
 - Appointed by the U.S. Bankruptcy Court as mediator and/or arbitrator of disputes arising out of GCO Securities, LLC proceeding (Gruntal & Co.)
 - Hedge fund investor v. Investment fund manager, action for fraud in the inducement and failure to follow promised investment strategy
 - New York stock brokerage house v. Individual, action relating to allegedly unauthorized sale of securities
 - Oil Exploration Company v. Oil Exploration Company, action for reversal of dilution of share interest in joint venture
 - U.S. options exchanges v. Information vendor, action by options exchanges for alleged breach of vendor agreement relating to dissemination of options quotations

- Mediation

- 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)
 - Claim by terminated merchant banker for carried interest in several transactions
 - Claim by terminated investment banker involving correct calculation of carried interest under complex formula
 - Claims by various investment bankers for stock in prior employer under applicable vesting rules
 - Fraud and 10(b) claims by buyers of stock in private offering when offeror restated financials shortly after the purchase

- Supplemental

- Securities cases and arbitrations in which Mr. Davidson acted as counsel to a party:
 - *Brokerage houses v. Marine Midland Bank*, action by brokers against custody and paying agent for price of securities ordered by defaulting customer
 - *Investment group (gaming enterprise) v. Cruise operator*, interpretative dispute over operation of anti-dilution provision in stock purchase agreement

- *U.S. insurance company v. Departing executive-owner*, stock valuation for purpose of executive buyout (New York)
 - *Shareholder v. Co-owners of family business*, action by dissident shareholder of closely held corporation to exercise certain option rights in Canadian company
 - *Seller of Polish fixed line telephone business v. Defaulting buyer*, dispute over buyer's repudiation of agreement to purchase stock of privately held company; counterclaims for fraud asserted
 - *Seller of international business v. Defaulting buyer*, dispute over buyer's repudiation of stock sale; counterclaims asserted for fraud in the presentation of financial information during due diligence
 - Prosecuted and defended numerous security fraud cases involving Section 10(b) and Rule 10b-5 claims and state securities fraud claims
 - Defended alleged securities fraud claims arising from internet activity
 - Counsel to accused parties in several investigations involving "rogue" trading, and alleged violations of Federal Reserve regulations
 - Counsel for claimants in eleven arbitrations at the Iran – U.S. Claim Tribunal; claims involved the valuation of stock and assets
- **Software**
 - Mediation
 - 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
- **Sports**
 - Arbitration
 - 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; appointed as arbitrator in case of insurer vs. NBA team under salary coverage for injured player
- **Surety**
 - Mediation
 - 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
- **Tax**
 - Arbitration
 - Arbitrated various tax issues under indemnification clause in SPA agreement; Arbitrated differing interpretations of tax risk allocation provisions of acquisition agreements; arbitrated insurance claim in which insurer insured against the risk of IRS disallowance of certain insurance premium deductions.
- **Telecom**
 - Arbitration
 - 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

Honors, Memberships, and Professional Activities

- Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS, 2020
- Member of the Panel of Mediators, China International Economic and Trade Arbitration Commission (CIETAC), 2023-2027
- Fellow, Chartered Institute of Arbitrators (CI Arb)
- Martindale-Hubbell AV Preeminent Attorney – 2023
- Martindale-Hubbell AV Preeminent Attorney, Judicial Edition—2023
- Listed as one of the World's Leading Technology Neutrals, 2018-2021
- *The Best Lawyers in America*, listed in the practice areas of Arbitration and International Arbitration - Commercial since 2016 and named Arbitrator of the Year for New York City in 2018
- *Euromoney*, "2021 Commercial Arbitration Expert Guide," listed as a leading Commercial Arbitration practitioner, 2021
- *Chambers USA Guides*, listed as one of the Leading International Arbitrators since 2010
- Listed under International Arbitration in Chambers USA America's Leading Lawyers for Business
- *Who's Who Legal*, listed in the practice area of Mediation since 2016
- Presented with the Albert Nelson Marquis Lifetime Achievement Award by Marquis *Who's Who*
- Listed as a *New York Super Lawyer* for alternative dispute resolution since 2006
- Listed as one of the world's leading commercial arbitrators in *Who's Who Legal: Arbitration*
- Advisory Board, Institute for Transnational Arbitration
- Listed in various Marquis *Who's Who* publications, including: *Who's Who in the World*, in America, and in American Law, Cambridge *Who's Who*
- 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 (CCA)
- Fellow, American Bar Foundation
- Member, International Arbitration Club of New York
- Member, Maritime Law Association of the United States (since 1979)
- Member, International Bar Association (IBA)
- Member, American Bar Association and its Sections on Dispute Resolution and International Law
- Panel Memberships: JAMS panel; CPR New York and National Panels; HKIAC (Hong Kong International Arbitration Centre) arbitrator and mediator panels; panel of arbitrators for SIAC (Shanghai International Arbitration Center); CIETAC (China) Arbitrator Panel; Beijing Arbitration Commission (BAC) panel of arbitrators; Shenzhen Court of International Arbitration (SCIA); Netherlands Arbitration Institute panel; 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, 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 four editions of the *College of Commercial Arbitrators' Guide to Best Practices in Commercial Arbitration*, (Juris Pub.); 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 act 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)
- Insurance and reinsurance disputes
- Finance and investment (hedge fund disputes; investment issues involving CDOs or CLOs,

swaps, etc.)

- Bankruptcy claims
- Employment disputes

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