AGENDA

For

MLA Arbitration and ADR Committee Meeting

(to be held at 10:30 AM on Wednesday, May 3, 2017 at the Offices of Seward & Kissel, 1 Battery Park Plaza, New York, New York)

Our Committee will have a discussion of the following subjects:

1. The power/authority of arbitrators to raise issues or facts not developed by the parties. Does that authority exist? Should it be exercised?

    a. What if an arbitrator has special knowledge/expertise that the other arbitrators do not have? Should that arbitrator disclose/use that special expertise?

2. Pre-Award Security in Maritime Arbitration. An SMA Panel in New York recently awarded $63 million in Pre-Award Security in *Commodities & Minerals Enterprise Ltd. v. CVG Ferrominera, C.A.* (John Kimball, Ch., A.J. Siciliano and George R. Wentz, Jr.). Is that a good practice? Does the availability of pre-award security help distinguish American maritime arbitration from maritime arbitration in other jurisdictions? Should there be safeguards so that an injured party ordered to provide security can still pursue its claims in the arbitration.

3. If time permits, Lindsay East will discuss the impact of Brexit on London arbitration. Peter Skoufalos will lead a discussion on 17 U.S.C. §1782, which allows subpoenas to be issued to take testimony in aid of foreign arbitration.