



ASIAN AMERICAN BAR ASSOCIATION *of the Greater Bay Area*

AABA Education Committee Presents:

What Every Lawyer Needs to Know about Arbitration & International ADR

January 20, 2021 from 5pm-6pm PT

Eligible for 1.0 CA General MCLE Credits

Moderator: [Serena K. Lee](#), JAMS – General Manager

Speakers: [Hiro Aragaki](#), JAMS
[Cedric Chao](#), Chao ADR, P.C.
[Mimi Lee](#), Chevron Upstream

Agenda:

1. Introductions (5 min)
2. Differences Between Arbitration and Litigation (15 min)
 - Advantages and Differences of Arbitration vs. Litigation
 - Special Considerations in an International Arbitration
 - Client's Perspective of When to Use Arbitration vs. Litigation
3. Procedural and Practical Features of Arbitration (20 min)
 - Arbitrator vs. Judge/Jury
 - Discovery
 - Motion Practice in Arbitration
 - Appeals in Arbitration
 - Rules of Evidence
 - Trials vs. Arbitral Hearings
4. Virtual Hearings & Other Responses to the Pandemic (10 min)
5. Q&A (10 min)

Reference Materials:

CA [Senate Bill 766](#), passed in July 2018, allows non-CA lawyers from other jurisdictions to represent clients in international arbitrations. Previously, parties had to retain a CA licensed attorney to represent them in international arbitrations being heard in CA.

The United Nations Convention on International Settlement Agreements Resulting from Mediation, also known as the [Singapore Convention](#), adopted in December 2018 and allows the recognition and

enforcement of mediation settlements among its 46 signatory countries. It will provide mediated settlements the same enforceable status as international arbitration awards (which is governed by the [New York Convention](#), adopted by the UN in 1959 and signed by 166 countries as of 2020).

Articles:

[“International Arbitration Finally Comes to California,”](#) by Howard Miller, The Daily Journal, August 24, 2018.

[“Six Trends Will Shape Future International Commercial Disputes,”](#) by Cedric Chao, Law 360, July 28, 2018.

[“Together: International Dispute Resolution Clauses and the Entire Transaction,”](#) by Howard Miller, Corporate Counsel, March 2019.

[“Four Considerations for Corporate Counsel in Drafting Arbitration Clauses,”](#) by Cedric Chao, Inside Counsel, March 26, 2015.

[“Be Careful What You Ask for in International Arbitration,”](#) by Cedric Chao, Inside Counsel, January 2015.

[“International Disputes: Nondomestic ADR has its Quirks,”](#) by Richard Chernick, The National Law Journal, October 29, 2001.

Speaker Biographies:

HIRO ARAGAKI: Hiro Aragaki is a dual-qualified arbitrator and mediator at JAMS based in Los Angeles and London. He has served as a neutral for almost twenty years, with substantial experience in commercial, banking & finance, technology, and gaming disputes. Alongside his neutral practice, Hiro is also a tenured professor of law at Loyola Law School in Los Angeles and a Professorial Research Associate at SOAS School of Law in London.

CEDRIC CHAO: After leading BigLaw teams for years in high stakes and precedent setting cases in U.S. courts and international arbitration tribunals, [Mr. Chao in May 2019 launched a boutique enabling him to sit as arbitrator, mediator and special master](#) and to advise clients on cross-border disputes. He takes litigation matters on a selective basis. Mr. Chao was a partner for 29 years at Morrison & Foerster, LLP, where in addition to his US courtroom practice, he established in 1996 and then led the firm's international litigation and arbitration practice. In 2013, he lateraled to DLA Piper LLP (US) where he served as the US head of the firm's international arbitration practice. Mr. Chao has led teams in arbitration proceedings around the world under the rules of the ICC, ICDR, SIAC, LCIA, UNCITRAL, AAA and JAMS, and has sat under the arbitration rules of the ICC, ICDR, AAA and SIAC, as presiding, sole, and wing arbitrator. Mr. Chao is listed in Best Lawyers in America for arbitration, mediation, and commercial

litigation, and was named by Best Lawyers as the "2018 San Francisco Arbitration Lawyer of the Year" and the "2020 San Francisco Mediation Lawyer of the Year." Best Lawyers recognizes a single lawyer in each practice and geographic region with a "Lawyer of the Year" award based on peer feedback in the legal community. In September 2018, Mr. Chao was named by The Daily Journal as one of California's "Top 100 Lawyers."

MIMI LEE: Ms. Lee is an experienced litigation lawyer with a demonstrated history of successfully leading a team handling high-profile, multidimensional, global legal issues balanced with significant commercial interests. Mimi has a broad base of substantive legal areas, including commercial disputes, white collar matters, international arbitration and litigation, employment and FCPA. Strong experience resolving complex and unique challenges while succinctly engaging with senior executives. Ms. Lee currently serves as the Managing Counsel for Chevron Upstream, managing global claims and disputes stemming from non-U.S. upstream operations. Prior to joining Chevron, Mimi was a partner at Thelen Reid & Priest in Los Angeles. She received her J.D. from Saint Louis University School of Law.

Moderator:

SERENA LEE: Ms. Lee is the General Manager for JAMS' San Francisco, Santa Rosa and Seattle resolution centers. Serena is an expert in the field of alternative dispute resolution (ADR), a business development professional and a legal professional licensed in New York State. She is a frequent presenter at regional and national legal and business conferences and local universities on topics related to alternative dispute resolution processes such as mediation and arbitration. Serena received her J.D. from Benjamin N. Cardozo School of Law, where she also received her mediator certification, and is licensed in New York. Besides serving as a co-chair for AABA's Education Committee, Serena is also active with the ABA Section of Dispute Resolution, the ABA Business Law Section, and California Lawyers Association (CLA). She is a member of California Women Lawyers and NAPABA as well.