



Marc J. Goldstein, Esq.
New York, New York



Primary Areas of Expertise

Life Sciences
Corporate Governance
Mergers & Acquisitions
State-Owned Enterprises
Private Equity
Financial Products/Services

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Current Employer-Title MJG Arbitration – Founder

Profession Arbitrator, Mediator

Work History Founder, MJG Arbitration & Mediation, 2007-Present; Leader of International Arbitration Practice, Hodgson Russ LLP, 2004 – 2007; Proskauer Rose LLP (Leader of International Arbitration Practice, 1999-2003), 1980 – 2003.

International Experience Arbitrator in international cases administered by ICC, LCIA, AAA/ICDR, CPR and non-administered/ad hoc, 2006-present. Practice as advocate before Iran-US Claims Tribunal 1981-1987; and in commercial arbitrations involving private parties and state-owned enterprises 1991-2016 (ICC, SIAC, ICDR, Danish Arbitration Institute, AAA-ICDR, UNCITRAL, NASD, New York Stock Exchange, and others).

Experience as an advocate in international arbitration included several cases involving States or States-owned enterprises. Included is a prominent case in the early history of the Iran-United States Claims Tribunal, *Starrett Housing Corp. v. Iran*. Also a case under the ICC Rules representing a US pharmaceutical company whose investment in the former Yugoslavia pharma manufacturing sector was subjected to expropriation at the time of the dissolution of former Yugoslavia circa 2000. Also a case under the Singapore Intl Arbitration Centre Rules on behalf of a European entrepreneur against the Cultural Affairs Ministry of the PRC, based on interference with a profit sharing and collaboration agreement for the presentation of an opera spectacle in Beijing.

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Neutral ID : 154409

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The information contained in this resume has been supplied solely by the individual arbitrator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in an arbitrator's resume. If you have any questions about an arbitrator's experience or background, you are encouraged to contact your case manager.

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Arbitrator Rosters: ICDR, AAA Commercial, AAA Large and Complex Case, Vancouver International Arbitration Centre, Hong Kong International Arbitration Centre; Asian International Arbitration Centre, Korea Commercial Arbitration Board, Chicago International Dispute Resolution Association, Toronto Commercial Arbitration Society member database; College of Commercial Arbitrators member database.

Experience

Practice entirely dedicated to service as arbitrator and mediator since 2016. Arbitral practice as advocate alongside litigation practice from 1980 to 2016.

Chair, Sole Arbitrator, Co-Arbitrator, Emergency Arbitrator, and Focus Group Mock Arbitrator in international or domestic commercial arbitrations, both administered and non-administered, under the Rules of such institutions as the ICC, LCIA, CPR, ICDR, and AAA.

Recent service as arbitrator: Chair ICDR Tribunal in \$300m case re minority shareholder corporate governance rights based on private equity investment; ICDR Sole Arbitrator of \$17m M&A shareholder earnout case (enterprise software); Chair LCIA Tribunal in Life Sciences Pharma Patent/Regulatory Royalty Dispute; ICDR Co-Arbitrator in >\$1 billion joint venture put option valuation dispute (food and beverage industry); Chair of ICC Tribunal in \$130m case re infrastructure project (mining); ICC Tribunal Co-Arbitrator in Project Finance national utility infrastructure development case (electric power); Chair ICDR Tribunal in >\$50m energy section electric power delivery case; Co-Arbitrator CPR Non-Administered >\$100m Life Sciences Pharma Patent License Royalty case; Co-Arbitrator ICDR ~50m Joint Venture Trade Secrets case (clean energy plant engineering); Chair ICDR Tribunal Life Sciences Pharma Licensing Development antitrust patent indemnification case; Sole Arbitrator ICDR Life Sciences medical device distribution case (cardiovascular procedures); Co-Arbitrator >400m ICC engineering EPC contract case (oil exploration equipment); Emergency Arbitrator CPR Int'l Law Firm Partnership case (partner comp); Chair ICC Tribunal >50m Life Sciences Joint Venture Pharma Manufacturing case.

Countries involved in recent international cases identified above include US, Canada, Denmark, Colombia, Germany, Brazil, South Korea, Israel, Guatemala, British Virgin Islands, United Kingdom, Kosovo.

Subject matters of cases as mediator: price fixing, antitrust damages, industrial engineering/design defects, syndicated commercial lending, real estate lending, executive compensation, mergers and acquisitions, reinsurance coverage, commercial contracts, joint ventures, fiduciary obligations, investment banking, insurance brokerage, non-profits finance, attorney-client.

As an advocate, arbitration and litigation practice areas included concentration US securities litigation, US antitrust law, US insolvency law, corporate governance,

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New York and Delaware corporation law, pharmaceutical licensing and regulation.

Alternative Dispute Resolution Experience

Arbitrator in >100 cases since 2006. Chair or Sole Arbitrator in ~55 cases. Among these cases most have been international conducted under a auspices of ICC, ICDR, LCIA, or CPR. Mediator of >100 cases since 2009, of which many have been pre-arbitral mediations in cases to be resolved by international arbitration if not resolved in mediation.

From 1985-2018 acted as advocate in more than 100 arbitrations under a variety of domestic and international arbitration rules.

Technology Proficiency

Entirely digital. Does not accept hard copy submissions. Digitally mobile, with remote access to desktop server and all files on all devices. State-of-the-art cybersecurity on all devices. Conversant with all standards concerning use of Artificial Intelligence by counsel and arbitrators. Practice is supported by IT consultant who has served practice since 2007.

Education

University of Virginia Law School (JD, Member, Virginia Law Review-1980); University of Pennsylvania (BA, magna cum laude-1976).

Professional Licenses

Admitted to the Bar: New York, 1981; New York state and federal trial and appellate courts.

Professional Associations

Honors Conferred: Peer-review ranked by Chambers Global, Chambers USA, Who's Who Legal (now Lexology), Best Lawyers in America, as leading international arbitrator in the USA. Inclusion annually in rankings of each of these peer review publications at least each of the last 10 years.

Elected: International Council on Commercial Arbitration; American Law Institute (Members' Consultative Group for Restatement (Third) of The U.S. Law of International Commercial Arbitration, 2010-2020, project completed); International Arbitration Club of New York; International Institute for Conflict Resolution (CPR) Arbitration Committee; Silicon Valley Arbitration and Mediation Centre; Committee on International Commercial Disputes, New York City Bar Association (2011-2017, 2019-present); College of Commercial Arbitrators (Fellow); Chartered Institute of Arbitrators (Fellow); London International Arbitration Club; Toronto Commercial Arbitration Society; American Bar Foundation (Fellow).

Voluntary: London Court of International Arbitration; International Chamber of Commerce (US Arbitration Committee); International Bar Association (Committee D - Arbitration); Institute for Transnational Arbitration (Dallas; Advisory Board); Swiss Arbitration Association; Institute D'Arbitrage Internationale.

Non-Profit Affiliations: Roswell Park Comprehensive Cancer Center; Perlman Music Program; American Friends of Israel Philharmonic; American Jewish Congress.

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Recent Publications & Speaking Engagements

Founder (2009) of Arbitration Commentaries website. Published more than 250 essays on contemporary issues in law and practice of international commercial arbitration.

Other Treatise Chapters and Articles (non-exhaustive list): Practising Law Inst., Arbitrating Commercial Disputes in the United States (2d ed. 2020 and 1st ed. 2018), Ch. 4 "Arbitrability & Jurisdiction"; "The Daesang Decision: New York's Manifestly Misunderstood Law on Vacating Awards," ICC Disp. Res. Bull. Winter 2018-19; "Deciphering DeGusa: The Enforcement in U.S. Courts of International Arbitration Awards Against Alter Egos of the Award-Debtor," Vol. 29 No. 4 Am. Rev. Int'l Arb. (2018); "A Glance Into History for the Emergency Arbitrator," 40(3) Fordham Int'l L.J. 779 (2017); "Living (or Not) with the Partisan Arbitrator: Are There Limits to Deliberations Secrecy?," 32(4) Arb. Int'l 589 (2016); "A Model Federal Arbitration Summons to Testify and Present Documentary Evidence At an Arbitration Hearing," (Project of the Int'l Commercial Disputes Comm. and the Arbitration Comm. of the NYC Bar Ass'n - - Principal Author), 26 Am. Rev. Int'l Arb. 3 (2015); "Annulled Awards in the U.S. Courts: How Primary Is 'Primary Jurisdiction'?", 25 Am. Rev. Int'l Arb. 1 (2014); "Application of the Doctrine of Forum Non Conveniens in Summary Proceedings for the Recognition and Enforcement of Awards Governed by the New York and Panama Conventions: Report of the International Arbitration Club of New York" (with Prof. Linda J. Silberman), 24 Am. Rev. Int'l Arb. 1 (2013); "Should the Real Parties in Interest Have to Stand Up? -- Thoughts About a Disclosure Regime for Third-Party Funding in International Arbitration," (TRANSNAT'L DISP. MGMT, Nov. 2011).

Recent Speaking and Teaching Engagements: New York Arbitration Week Program on Non-Party Evidence in Arbitration (Nov. 2024); College of Commercial Arbitrators Annual Conference, Moderator of Program on Arbitral Subpoenas and related Presentation to International Subcommittee (Oct. 2024); College of Commercial Arbitrators Webinar Panelist: "Getting It Right: Issues on Legal Research By Tribunals" (June 2024); Osgoode Hall Law School, Toronto, Prof'l Dev. Program, Nov. 2023 (Arbitrator Selection); Canada Keynote Address of Canada Arbitration Week: "Arbitrators Under Attack" (Oct. 2023); Toronto Commercial Arbitration Society Annual Meeting Panel: Arbitral Power to Impose Sanctions (May 2023); Toronto Commercial Arbitration Society "Gold Standard" Training Program, Nov. 2022 (Case Management); (Cross Examination); College of Commercial Arbitrators Program on Arbitration Procedures (May 2022); GAR Live New York (Oct. 2021) (Functus Officio and Finality of Awards); New York International Arbitration Club Presentation: "The Functus Officio Problem in Modern Arbitration and a Proposed Solution" (June 2021) ; CPR Arbitration Committee, Presentation on Advocacy in Virtual Arbitration Hearings, The Arbitrator's Perspective (March 2021); NY City Bar Arbitration Committee Presentation: "Dissenting Opinions, The Chair's Perspective" (March 2021); Osgoode Hall Law School, Toronto, Prof'l Dev. Program, Nov. 2020 (Arbitrator Selection, Procedural Conference Techniques); CPR Canada Program of Canadian

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Arbitration Week (Emergency Relief for Asset Protection), September 2020; ABA Int'l Section Annual Moscow Conference (Virtual) (Corruption in Investment Arbitration), Sept. 2020; ICC Annual N.Y. Conference, Oct. 2019 (Finality of Awards).

Citizenship United States of America
Languages English

Compensation Hearing: \$1050.00/Hr
Study: \$1050.00/Hr
Cancellation Period: 0 Days
Comment:

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