



Marc J. Goldstein, Esq.

New York, New York, United States of America



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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, others).

Acted as an advocate in many arbitration including those before the AAA-ICDR, Singapore Arbitration Centre, Danish Arbitration Institute, UNCITRAL, NASD, New York Stock Exchange, and others.

Arbitrator Rosters: ICDR, AAA Commercial, AAA Large and Complex Case, Vancouver International Arbitration Centre, Hong Kong International Arbitration Centre; Asian International Arbitration Centre, 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.

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*Neutral ID : 154409*

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Chair, Sole Arbitrator, Co-Arbitrator, Emergency Arbitrator, and Focus Group Mock Arbitrator in international or domestic commercial arbitrations under various arbitral institution's Commercial/Large and Complex Case Rules. Mediator of international and US domestic commercial disputes.

Subject matters of cases as arbitrator: accounting, accountant liability, aviation (aircraft design/engineering, purchase and sale); breach of contract, commercial banking, China, commercial contracts, construction, consumer electronics, consultant compensation, currency trading, deceptive trade practices, Delaware corporation law, derivatives, distribution, employment, energy, engineering, fiduciary duty, finance, Forex, fraud, franchise, hedge funds, indemnification, intellectual property, interim measures, injunctions, insurance, investment management, insider trading, investment banking, inter vivos trusts, life sciences, limited liability companies, joint ventures, mergers and acquisitions, medical technology, mining, minority shareholder rights, negligence, New York law, options trading, partnership, patent licensing, pharmaceutical licensing, pharmaceutical manufacturing, private equity investments, private placements, Ponzi schemes, power cogeneration, professional malpractice, private banking, procurement, proprietary trading, real estate, reverse mergers, RICO, Uniform Commercial Code Article 2, US federal securities liability.

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.

Subject matters of cases as advocate: accounting; accountant liability and malpractice; aviation -- private luxury aircraft purchase and sale; industrial machinery engineering/design; construction cost accounting; commercial real estate development; currency swaps and other derivatives; broker-dealer liability; Generally Accepted Accounting Principles; imported steel and pipe design defects; imported apparel distribution; imported foods distribution; music publishing; professional sports -- franchises, merchandising, broadcast regulation, collective bargaining, employment; merger purchase price adjustments; pharmaceuticals patent licensing; expropriation -- pharmaceuticals industry investment; expropriation -- residential real estate industry investment; expropriation -- cable television franchise investment; telecommunications -- wireless franchises abroad; ISDA contracts; health care facilities financing; life insurance sales practices; commercial lending/secured creditor rights; partnership and closely-held corporation dissolution; minority shareholder rights; valuation of expropriated property; contracts; international entertainment joint ventures; joint ventures with China state enterprises; US Age Discrimination Law, US Civil Rights Statutes; US antitrust law -- monopolization, restraint of trade, price discrimination; US securities law civil liability, US copyright law, US and NY trademark law, US bankruptcy law -- Chapter 11 reorganization, preferential transfers, adversary

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proceedings; New York and Delaware corporation laws, Vienna Sales Convention, Uniform Commercial Code -- Article 2 sales law, Article 9 secured creditor rights, enforcement of foreign judgments and arbitral awards, Federal Arbitration Act, New York Convention, antisuit injunctions.

**Alternative Dispute Resolution Experience**

Arbitrator in >100 cases since 2006. Chair or Sole Arbitrator in ~55 cases. Mediator of >100 cases since 2009.

From 1985-2018 acted as advocate in more than 100 arbitrations under a variety of arbitration rules. Serves on many arbitration rosters and on mediation rosters for the New York Supreme Court Commercial Division in New York, Westchester and Suffolk Counties.

**Technology Proficiency**

Entirely digital. Does not accept hard copy submissions. State-of-the-art cybersecurity on all devices.

**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, Best Lawyers in America, as leading international arbitrator in the USA.

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; Federation of Jewish Philanthropies/UJA.

**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

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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: 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 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); Osgoode Hall Law School, Toronto, Prof'l Dev. Program, Nov. 2019 (Procedural Conference techniques), March 2019 (Interim Relief), Dec. 2018 (Procedural Conferences); Toronto Commercial Arbitration Society "Gold Standard" Training Program, Nov. 2019 (Arbitrator Interviews and Disclosures);

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White & Case/PriceWaterhouseCoopers Training Program for ICC Young  
International Arbitration Group: "Cross-Examination of Damages Experts, The  
Arbitrator Perspective", June 2018.

**Citizenship**  
**Languages**

United States of America  
English

**Compensation**

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

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