

Richard F. Ziegler
Independent Arbitrator and Mediator



Richard F. Ziegler
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Overview:

Richard F. Ziegler is an experienced arbitrator in international and domestic matters and an accredited mediator, including for international matters. As a former general counsel of a major multi-national company (3M Company, 2003-2007) and a former outside litigation counsel (Cleary, Gottlieb, Steen & Hamilton, 1984-2002, and Jenner & Block, 2007-2019) with extensive experience over four decades in financial, technology-intensive and regulatory matters, Mr. Ziegler is well equipped to manage and fairly arbitrate or mediate complex disputes.

In recent years Mr. Ziegler has served as arbitrator in more than 40 proceedings. His assignments have been roughly evenly divided between international and domestic matters. He has served as chair, sole arbitrator and co-arbitrator in cases administered by the ICC, ICDR, HKIAC, CPR and AAA and in *ad hoc* panels.

Mr. Ziegler's proficiency and comfort with the use of technology in dispute resolution proceedings is illustrated by his work as Chair of the Task Force on Remote Video Arbitration Proceedings convened by the International Institute for Conflict Prevention & Resolution ("CPR") in April, 2020 to respond to the increased need for remote proceedings caused by the COVID-19 pandemic. CPR published the Task Force's "Annotated Model Procedural Order for Remote Video Arbitration Proceedings" on April 21, 2020. Thereafter, between May and November, 2020, Mr. Ziegler participated in 29 days of merits hearings conducted remotely in five domestic and three international cases, with participants in the latter logging-in from China, Australia, Hong Kong and Austria.

Mr. Ziegler is a Fellow of the Chartered Institute of Arbitrators, the College of Commercial Arbitrators and the National Academy of Distinguished Neutrals. He is a member of the panels of arbitrators maintained by the International Centre for Dispute Resolution ("ICDR"), the American Arbitration Association (Large Complex Case Panel and Aerospace, Aviation and National Security Panel), the Silicon Valley Arbitration and Mediation Center (Tech List) and CPR (General Counsel Panel; Technology (patent) Panel; Financial Services Panel; Cross-Border Panel).

Mr. Ziegler is ranked in *Chambers Global* (Band 1) and *Chambers USA* (Band 2) for international arbitrators based in the United States.

The commercial disputes Mr. Ziegler has handled span numerous industries, including financial services, pharmaceuticals, medical devices, biotech, oil & gas, chemicals, manufacturing, software, professional services and alcoholic beverages. The amounts at issue have ranged from the low millions

to more than \$1.5 billion. The controversies have arisen from supply contracts, joint venture agreements, merger & acquisition agreements, collaboration agreements, manufacturing agreements, financial instruments, investment management contracts, research & development and marketing agreements, distributorship agreements, recruiting and employment agreements, intellectual property licenses and restrictive covenants. In addition to breach of contract, he has adjudicated claims for alleged breaches of fiduciary duties, fraud, unfair competition, IP infringement, tortious interference with contract, other business torts and assorted statutory violations.

The various merits hearings in which he participated in 2020 included an ICDR-administered dispute involving a \$400+ million claim for breach of an investment agreement (co-arbitrator); an ICC-administered dispute concerning claims for breaches of fiduciary duty and an executive compensation agreement totaling more than \$100 million (sole arbitrator); an HKIAC-administered dispute over a financial instrument involving more than \$130 million (chair); an ad hoc proceeding over a claimed \$35 million breach of a biotech collaboration agreement (chair); and an AAA-administered dispute over a claimed pandemic-related breach of an asset purchase agreement involving \$1 million (sole).

Mr. Ziegler is committed to helping achieve arbitration's potential for prompt, cost-efficient and fair dispute resolution. In two recent matters in which the parties jointly sought expedited proceedings, he succeeded in conducting evidentiary hearings and issuing final, reasoned awards within 90 days of his appointment.

Mr. Ziegler also acts as mediator in complex business disputes. He is certified as a mediator in international matters by London's Centre for Effective Dispute Resolution. His recent experience as mediator includes successful outcomes in mediating a fee dispute between lawyer and client; a "business divorce" between co-owners of an investment firm; a claim for misappropriation of trade secrets in the context of a terminating joint venture; and a dispute between a law firm and a former partner.

Before he began accepting assignments as an ADR neutral a few years ago, Mr. Ziegler enjoyed a multi-faceted career that prepared him to perform ADR roles effectively:

- In-House/Senior Executive: Mr. Ziegler was the Senior Vice President and General Counsel of the 3M Company (the diversified blue-chip global manufacturing and technology company in St. Paul, Mn), where he led a department of more than 150 lawyers in 24 countries for nearly five years
 - He had direct responsibility for material litigations (including class actions) involving patent, environmental, antitrust, product liability, insurance coverage, employment and advertising issues
 - He counseled the Board and senior management on compliance, governance and other matters
 - He had responsibility for material acquisitions and divestitures, licensing agreements and securities filings
 - He was a member of the senior management Operations Committee, the Pre-Acquisition Review Committee, and chaired the company's Business Conduct Committee
 - He was one of three directors of the 3M Investment Management Company, which supervised the Company's multi-billion dollar pension plan
- Private Practice: Mr. Ziegler was a civil litigator in New York for decades

- His practice focused on complex civil litigation, including securities, financial and M&A matters, commercial disputes involving technology issues, patents, business torts, and compliance and corporate governance issues . He was first chair in numerous bench and jury trials, and won important decisions in the 2d Circuit (*Ceres v. Gel Partners*, changing the limitations period in SEC Rule 10b5 actions), 8th Circuit (*Tonka v. Luthi*, determining the criteria for vicarious liability in civil RICO actions); Federal Circuit, *en banc* (*Honeywell v. Hamilton Sundstrand*, narrowing the scope of patent infringement under the doctrine of equivalents), the Delaware Supreme Court, *en banc* (*Arnold v. Society for Savings*, clarifying the scope of director protection from monetary damages for disclosure violations) and the New York Court of Appeals (*NBT Bancorp v. Fleet/Norstar*, clarifying the law of tortious interference in the merger context).
- He was lead counsel in numerous domestic and international arbitrations seated in Seoul, London, Geneva, Oslo, and New York and elsewhere governed by the laws of Korea, Norway, Thailand and elsewhere, involving supply and distributorship agreements and complex technological issues. He has also served as an expert witness on New York law.
- Public Service: Early in his career Mr. Ziegler served in all three branches of the federal government, as a legislative assistant to a US Congressman; as a law clerk to federal judge Milton Pollack in the Southern District of New York (“SDNY”); and as an Assistant United States Attorney for the SDNY, where he also served as Deputy Appellate Attorney. He also served as Chair of the Committee on Professional Ethics of the New York State Bar Association.

Work History:

- Independent Arbitrator and Mediator, co-founder of AcumenADR LLC, 2019 –
- Partner, Jenner & Block LLP, 2007-19
 - Co-Chair, International Arbitration Practice, 2008-19
 - Co-Chair, Complex Commercial Litigation Practice, 2007-08
 - Managing Partner, NY Office, 2008-15
 - Member of firm’s Policy Committee (elected position)
- Senior Vice President, Legal Affairs, & General Counsel, 3M Company, 2003-07
 - Member, senior management Operations Committee
 - Director, 3M Investment Company (responsible for pension plan assets)
 - Chair, Business Conduct Committee
 - Member, Pre-Acquisition Review Committee
- Partner, Cleary, Gottlieb, Steen & Hamilton, 1984-2002
 - Coordinator, New York Litigation Practice, 2000-02
 - Member of firm’s global Executive Committee (elected position)
 - Associate, 1980-83
- Assistant United States Attorney, U.S. Attorney’s Office, SDNY, 1977-80
 - Deputy Chief Appellate Attorney, 1980
- Associate, Paul, Weiss, Rifkind, Wharton & Garrison, 1976-77
- Law Clerk, U.S. District Judge Milton Pollack, SDNY, 1975-76
- Legislative Assistant, U.S. Congressman Alphonzo E. Bell, Jr., 27th C.D. Cal., 1972-73

Education:

Harvard Law School, J.D., 1975; *magna cum laude*; Member, Board of Editors, *Harvard Law Review*

Yale University, B.A., 1971; *summa cum laude*; Phi Beta Kappa

Recognition and Awards:

- Recognized in *Chambers Global*, 2021 (Band 1) and *Chambers USA*, 2020 (Band 2), as an international arbitrator based in the United States: “regarded by sources as ‘meticulous, thoughtful and efficient’ in his approach as an arbitrator. He is regarded as a go-to for international commercial disputes. He impresses sources with his ‘level of preparedness and insight,’ and is ‘so superlative that you would use him across the board on commercial matters; he has the exact right approach.’”
- Selected as “Client Service All Star,” an unsolicited award by BTI Consulting based on identification by clients of outside counsel with unusual legal talent and business acumen, 2010
- Elected to the Executive Committee of the Association of General Counsel by AGC members, comprised of about half of the chief legal officers of the Fortune 150 companies, 2006
- Elected to the governing bodies of both Cleary, Gottlieb and Jenner & Block by the partners of those firms
- Recognized in *Chambers USA*, 2010-19, and *Chambers Global*, 2013-19, as counsel in international arbitration, describing him as “an extraordinarily gifted advocate”
- Designated by the *National Law Journal* as an “ADR Champion,” 2017
- Selected as a “SuperLawyer” in New York City for business litigation, alternative dispute resolution and/or corporate governance and compliance, 2010-20
- Recognized in *Best Lawyers in America*, *Legal 500* and *Lawdragon Magazine’s* “3000 Leading Lawyers in America”

Professional Affiliations and Activities:

- Fellow, Chartered Institute of Arbitrators
 - Chair, Education Committee, New York Branch
 - Co-Director, “Accelerated Route to Fellowship Program” (“ARF”), New York Branch, 2018-19; Tutor, ARF, 2017-18;
 - Co-Director, “Comprehensive Course in International Arbitration,” sponsored jointly by CIArb and Columbia Law School, 2019 - present
- Member, Board of Directors, International Institute for Conflict Prevention & Resolution (“CPR”), 2016 – present
 - Chair, CPR Task Force on Remote Video Arbitration Proceedings, 2020
 - Member, CPR Arbitration Committee
 - Previously, member of CPR Executive Advisory Committee
- Fellow, College of Commercial Arbitrators
- Member of roster of arbitrators of the American Arbitration Association
 - Large Complex Case Panel
 - Aerospace, Aviation and National Security Panel
- Member of roster of arbitrators of the International Centre for Dispute Resolution
- Member of “Tech List” of arbitrators of the Silicon Valley Arbitration & Mediation Center
- Member of CPR’s panels of Distinguished Neutrals (General Counsel, Financial Services, Technology, and Cross-Border Panels)

- Member, National Academy of Distinguished Neutrals
- Member, International Arbitration Club of New York
- Member, Arbitration Committee, New York City Bar
- Member, New York International Arbitration Center
- Member, Arbitration and Mediation Committees, International Bar Association
- Member, Arbitration Committee, United States Council on International Business
- Member, International Council for Commercial Arbitration
- Member, North American Users Group, London Court of International Arbitration
- Member, American Bar Association, Dispute Resolution Section
- Chair, Task Force on BQE Project, Brooklyn Heights Association, 2018-19
- Emeritus member, Association of General Counsel
 - Member, Executive Committee, 2006
- Member, Board of Trustees, William Mitchell College of Law (now Mitchell Hamline College of Law), St. Paul, MN, 2005-08
 - Chair, Audit & Finance Committee, 2006-07
- Lecturer-in-Law, Columbia Law School, 1997-2000 (taught seminar “Ethics and Complex Litigation”)
- Chair, Committee on Professional Ethics, New York State Bar Association, 1995-98
- Member, Board of Directors, Legal Aid Society (New York), 1993-95

Speaking and Teaching Engagements:

Drawing on his experience as in-house and outside counsel, Mr. Ziegler has been a frequent author and speaker on alternative dispute resolution, as well as on compliance and governance matters.

Mr. Ziegler chairs the Education Committee of the New York Branch of the Chartered Institute of Arbitrators; he was Co-Director of the New York Branch’s “Accelerated Route to Fellowship” program in New York in 2019 and is currently Co-Director of the “Comprehensive Course on International Arbitration” jointly sponsored by Columbia Law School and the CIArb-NY to be held in June, 2021.

A former chair of the Committee on Professional Ethics of the New York State Bar Association, Mr. Ziegler taught a seminar on ethics and complex litigation at Columbia Law School for three semesters (1997-2000) and was a member of the faculty of the winter trial advocacy program at Cardozo Law School for many years.

His speaking engagements include:

- Moderator, “CPR’s Annotated Model Procedural Order for Remote Video Arbitration Proceedings,” CPR, webinar, May, 2020
- Panelist, “Conducting a Virtual Hearing in Arbitration,” NYSBA Sections of Dispute Resolution and Commercial & Federal Litigation, webinar, May, 2020
- Panelist, “Arbitration: A Comparison of Ad Hoc and Institutional,” ABA Section of Dispute Resolution, webinar, May, 2020
- Panelist, “Transparency in Commercial Arbitration,” CPR Annual Meeting, St. Petersburg, February, 2020
- Moderator, “Arbitrating AANS Disputes,” AAA–ICDR’s Conference on Arbitrating Aerospace, Aviation and National Security Disputes, Washington, D.C., April, 2018
- Panelist, “The View from the Top of the Ladder: Ethics and the Role of the CLO,” Association of Corporate Counsel/Fordham Law School, 2018 Ethics Marathon, April, 2018

- Moderator, "Ethics & ADR – Telling Tales Out of School: What Can You Say and What Really Happens," CPR 2018 Annual Meeting, Atlanta, March, 2018
- Panelist, "Ethics Issues in Mediation," Practical Law/CPR/Jenner live and webinar program, February, 2018
- Panelist, "How Corporate Counsel Can Maximize Results in Arbitrating Commercial (B2B) Disputes," American Bar Association Business Law Section Annual Meeting, Chicago, September, 2017
- Panelist, "Recent Developments Concerning Arbitrator Conflicts – Disclosure and Challenges," CPR Annual Meeting, Coral Gables, March, 2017
- Panelist, "Ethics Issues in International Arbitration," Practical Law/CPR live and webinar program, October, 2016
- Moderator, "Ethics in Mediation/Arbitration," 2016 CPR Annual Meeting, New Orleans, February, 2016
- Panelist, "Business Mediation Challenges and Multiparty Techniques," ABA/CPR webinar, October, 2015
- Panelist, "Winning Settlement Strategies in Litigation" (Mediation), New York City Bar Association, July, 2015
- Moderator, "'You Say Tomato / I Say Tomahto': Jurisdictional Differences in Key Issues in ADR-III: Industry Perspectives," 2014 CPR Annual Meeting, Charleston, February, 2014
- Panelist, "International Dispute Resolution," Northwestern School of Law's 51st Annual Corporate Counsel Institute, Chicago, October, 2012
- Moderator, "The Value of Enterprise Risk Management Programs," Corporate Counsel Institute 2012, Practising Law Institute, New York, October, 2012
- Moderator, "It's A Shrinking World: Acceleration & Evolution In ADR," 2012 CPR Annual Meeting, New York, January, 2012
- Panelist, "Class Action Strategies 2011" and "Ethics," Practising Law Institute, New York, July, 2011
- Panelist, "Ethics of Witness Preparation," Federal Bar Council 2011 Winter Bench and Bar Conference, Los Cabos, Mexico, February, 2011
- Panelist, *The American Lawyer*, *The National Law Journal* and *Corporate Counsel Magazine* 2nd Annual Litigation Summit, October, 2010
- Moderator, "Enterprise Risk Management: What, Why and How," Practising Law Institute Corporate Counsel Institute 2010, New York, September, 2010
- Chair, Corporate Compliance and Ethics Institute 2010, and panelist, "The Role of the Board," Practising Law Institute, New York, June, 2010
- Panelist, "The Aftermath: The Proper Role of Civil and Criminal Enforcement in the Wake of the Financial Crisis," Northwestern Law AGEP Inaugural Public Policy Conference, Northwestern University School of Law, Chicago, April, 2009

Publications:

Mr. Ziegler has published numerous articles in the *National Law Journal*, *Business Lawyer* and other publications on various litigation-related topics, including the importance of civility in litigation practice. His more recent articles have focused largely on topics related to alternative dispute resolution. His publications include:

- Task Force Chair, "CPR's Annotated Model Procedural Order for Remote Video Arbitration Proceedings," CPR, April 21, 2020
- Author, "Draft Procedural Order to Govern Virtual Arbitration Proceedings," *Transnat'l Disp. Mgt.* (2020), cited in G. Born, *International Commercial Arbitration* (3d Ed.), Vol. II, n.878
- Co-Author, "Commercial Arbitration: United States," *Global Arbitration Review*, 2018 and 2019
- Co-Author, *Guide on Enforcement of Foreign Arbitral Awards and Court Judgments in the United States* (Initial and 2d eds.), Jenner & Block, 2017 and 2018
- Co-Author, "Challenges to Arbitral Awards Based on Arbitrator Bias," *New York Law Journal*, February 8, 2017
- Author, "Where Are the Risks? An Assessment of Recent Developments in Mediation Confidentiality," *Alternatives*, December, 2016
- Interviewee, "Q&A With Jenner & Block's Richard Ziegler," *Law360*, April 22, 2016
- Co-Author, "The Complications of Attaching Assets in the US in Aid of an Arbitral Award," *Dispute Resolution International*, April, 2016
- Contributor, *Practicing Under the U.S. Anti-Corruption Laws*, Aspen Book Publishers, 2013
- Author, "New Obstacles in Setting the Tone at the Top...and Some Solutions," *Bloomberg Corporate Law Journal*, Fall 2008
- Co-Author, "'Forthright Negotiator' Is Not an Oxymoron in Delaware," *New York Law Journal*, April 21, 2008

Bar Admissions:

New York, 1976 - present

Minnesota, 2003-2015