

Arbitration

Overview

Just as today's businesses are increasingly international, so are today's business disputes. Our sophisticated team of attorneys understands costly litigation is not always the best solution to a business' problem, which is one reason why arbitration is a continues to be a growing alternative to formal litigation in both U.S. and international courts. Domestic and international arbitration offers flexibility in procedures and rules of evidence; flexibility as to who will determine the dispute; with experience counsel a reduction in costs and delays; a greater ease of enforcement worldwide under international conventions; and increased levels of confidentiality and neutrality.

Munsch Hardt offers a team of seasoned attorneys who devote a significant part of their practice to serving as counsel to a party or as an appointed arbitrator in domestic and cross-border disputes. It is through our working knowledge of the rules, benefits and detriments of arbitration that we are able to provide sophisticated advice and counsel at all stages of an arbitration proceeding. This includes pre-arbitral negotiations, the conduct of arbitral proceedings and advocacy at trial. We also are accustomed to appearing before national courts to enforce or resist enforcement of domestic and international arbitration agreements and arbitral awards, as well as prosecuting or defending applications for interim measures in support of arbitration.

When it comes to serving as an appointed arbitrator or expert witness, we know the key players, the other regularly appointed arbitrators and the personnel leading arbitral institutions. The years of experience as both neutrals and advocates in alternative dispute resolutions has lead our team to represent clients from coast to coast, as well as in international disputes as close as Mexico and as far as the United Arab Emirates (UAE). In these matters, our lawyers have handled commercial arbitrations in some of the world's leading arbitration venues, including:

- International Chamber of Commerce (ICC)
- International Court of Arbitration (ICA)
- London Court of International Arbitration (LCIA)
- United Nations Commission on International Trade Law (UNCITRAL)
- American Arbitration Association (AAA)
- International Rules and Dispute Resolution Institute (DRI)
- formerly the Center for Public Resources (CPR)
- Singapore International Arbitration Center (SIAC)
- Australian Centre for International Arbitration (ACICA)
- Dubai International Arbitration Centre (DIAC)

Finally, it is the breadth and depth of our arbitration experience that positions us to efficiently and cost effectively manage our client's matters regardless of industry. We tout significant experience in the banking and financial institution, construction, energy, real estate, insurance, health care, manufacturing, intellectual property, maritime, technology and telecommunication sectors.

Experience

Energy Arbitration

Successfully represented a major coke terminal operator in an arbitration of a \$61 MM breach of contract claim related to the collapse of a coke pit wall at a refinery. At trial, we successfully proved that the operator complied with its contractual obligations in full and that the cause of the coke pit wall failure was a result of defects in the design and construction of the coke pit by the refinery's engineering, procurement and construction contractor. The arbitrator ruled that the refinery take nothing on its claims.

Securities Litigation

Represented investors holding millions of dollars in auction-rate securities in arbitration proceedings. Represented a liquidating trustee pursuing claims against broker-dealers following a securities fraud.

International Arbitration

Represented a management consultant firm as a claimant in an international arbitration featuring a nine-member arbitration panel. A majority of the panel awarded \$70 MM to the claimants in the arbitration.

Arbitration

Represented a Fortune 500 cosmetics company as the prime tenant, occupying 25 floors of a newly-constructed 50-floor office building in New York, in an American Arbitration Association arbitration to determine when the obligation to pay rent commenced. The outcome depended on whether delays in the building's completion were the responsibility of the builder/landlord, its general contractor and numerous subcontractors or the responsibility of the prime tenant, which submitted more than 26,000 change orders for its space. Resolution required the building to be virtually rebuilt in arbitration brick-by-brick. The arbitration hearing lasted nearly a year.

International Arbitration

Served as panel chair on a large, international arbitration matter through the International Center for Dispute Resolution.

Arbitration Agreement Drafting

Drafted a product limited warranty, arbitration agreement and class action waiver used by one of the largest telecommunications companies in the world for all of its mobile products.

Practice Leaders



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Earl Ingle
James Jordan
Sameer Karim
David Mattka
D. Mitchell McFarland
Gregory Noschese
Ross Parker
Daniel Pipitone

D. Ronald Reneker
Dennis Roossien
Courtney Sauer
Richard Schwartz
Fred Wahrlich
B. Lee Wertz
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Related Practices

Litigation
Antitrust
Appellate
Director & Officer Litigation
Financial Institution Litigation
Insolvency Litigation
Lawyer & Law Firm Litigation
Personal Injury & Wrongful Death
Products Liability
Warranty
Environmental Litigation
Intellectual Property Litigation
Employment Litigation
Trade Secrets
Tax Controversy

Related Industries

Admiralty & Maritime
Financial Services
Construction
Energy
Health Care
Hospitality
Insurance
Manufacturing
Real Estate
Retail
Technology & Telecommunications
Transportation

Achievements

Best Lawyers® “Best Law Firms”, published by *Woodward/White, Inc.* – Arbitration, Metropolitan Tier Ranking (2020-2024)

Newsroom

Press Release: Best Lawyers® Names Munsch Hardt to 2024 “Best Law Firms” in America List

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2023 "Best Law Firms" List by U.S. News - Best Lawyers®

Press Release: Munsch Hardt Named to 2022 "Best Law Firms" List by U.S. News – Best Lawyers®

Speech: Legal Issues in Arbitration

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2021 "Best Law Firms" List by U.S. News - Best Lawyers®

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2020 "Best Law Firms" List by U.S. News - Best Lawyers®

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2019 Best Law Firms List

Press Release: NACHA – The Electronic Payments Association Appoints Munsch Hardt Attorney as Arbitration Board Member

Article: Fifth Circuit Overrules NLRB on Collective Action Waivers

Press Release: Munsch Hardt Expands Energy and Maritime Practice Through Addition of Attorney in Houston Office