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Q: When did you first take an interest in alternative dispute resolution and what prompted such interest?

A: My law firm colleagues generally had either a dim or derisive view of mediation and essentially equated arbitration to litigation outside of the courts, albeit confidential and presided over by a private judge. But as I became more of a trusted advisor to my clients, I realized that I owed it to them to be more well versed in proposing dispute resolution options. Additionally, since my days as a law student—and certainly during and after my two federal clerkships—I have always wanted to seek a position in the judiciary. But knowing how difficult, uncertain, and unpredictable attaining that career goal could be, I started looking into being an ADR neutral who could similarly help parties resolve disputes. I first started by volunteering as an arbitrator and mediator in the court systems, later received the AAA's® Higginbotham Fellowship, and now am a member of the AAA's Roster of Neutrals and its Mediation Panel. I am grateful and feel very fortunate about the progress I've made and look forward to a long career in ADR.

Q: What past professional and/or personal experiences have you had that have contributed to your growth as an arbitrator and mediator?

A: I always rely heavily on my many years of experience as a practicing commercial litigator to better inform me as an arbitrator and mediator. During the course of my career, I have developed significant experience in a broad array of complex litigation matters in areas such as copyrights, trademarks, patents, trade secrets, bankruptcy, securities, employment discrimination, white collar criminal defense, corporate investigations, and general business disputes. My focus, though, has always been on intellectual property and related disputes (such as infringement, licensing, or restrictive covenants). I have appeared numerous times in court for, among other things, trial, evidentiary and Markman hearings, discovery and motion arguments, and status conferences. I have also represented numerous clients as outside counsel in arbitrations and mediations, both domestic and international.

For several years, I have served as an appointed arbitrator and mediator in court-annexed programs, assisting to resolve various business disputes, breach of contract and negligence actions, labor and employment-related claims, and intellectual property infringement contentions. Through these experiences, I have become adept at running fair hearings and processes, respecting and listening to the parties, carefully reviewing and considering the evidence, and, in the case of arbitrations, being thorough and decisive in arriving at a fair and just final outcome.



Before becoming an attorney, I worked for several years at a major insurance company, rotating through business units as diverse as personal and group insurance, pensions and annuities, brokerage sales, structured settlements, international operations, and investments. I earned my Chartered Life Underwriter and Chartered Financial Consultant designations, as well as became a Series 7 General Securities Representative. This deep understanding of business and the financial services industry, in particular, has afforded me valuable insights into the economic consequences faced by the parties and their counsel who appear before me. In mediations, that has helped me to propose innovative and creative solutions to their problems.

Q: Did you participate in a mentoring program and, if so, what benefits did you derive from being mentored?

A: As a Higginbotham Fellow, I was assigned Andrew T. Hahn of the law firm of Duane Morris LLP as a mentor. Andy and I have known each other as friends, colleagues, and fellow members, officers, and directors of the Asian American Bar Association of New York for nearly 15 years. Thus, it was a wonderful opportunity to get to know him better and learn from him in this new context. Andy has afforded me invaluable opportunities to observe portions of actual arbitration proceedings, and later served as one of my references when I applied to become a member of the AAA's Roster of Neutrals. Additionally, because I am active in various bar associations and ADR-related organizations, I have been fortunate to be able to develop informal mentoring relationships with numerous experienced neutrals, all of whom have generously provided me with helpful guidance, feedback, and insights for developing my career and practice in the ADR field.

Q: How do you manage an arbitration case?

A: Although an arbitration proceeding is governed principally by the dispute resolution clause, the applicable rules, and the statutory framework, I believe that it is the arbitrator's responsibility to ensure that the process is fair, expeditious, efficient, and cost-effective. Having been an advocate in arbitration proceedings numerous times, I am well aware that there exist a lot of skepticism about arbitration as a dispute resolution mechanism. However, since becoming a neutral, I have become familiar with many of the reforms and new teachings that have instructed and empowered arbitrators to assist the parties and their counsel in realizing the original intended purpose of using arbitration to resolve disputes. Specifically, I am encouraged by and adopt many of the teachings and tools found in sources like *The College of Commercial Arbitrators' Guide to Best*



Practices in Commercial Arbitration and its *Protocols for Cost-Effective and Expeditious Commercial Arbitration*. The AAA's new Commercial Arbitration Rules also now explicitly provide authority for arbitrators to more actively manage the process, particularly in conducting the preliminary hearing (where, among other things, the case management schedule is set) and supervising the pre-hearing exchange of information, which is influenced by the scope, nature, and size of the case. (see R. 21, R-22, P-1, and P-2).

Q: What advice would you give new arbitrators breaking into the profession?

A: There seems to be two areas in which successful and accomplished neutrals excel—process skills and branding.

On process skills, it's about getting proper training and education about the issues and challenges that confront the arbitration marketplace today. When starting out, I think it's probably fine to be open to a broad set of experiences in a variety of different substantive areas so as to get to know your marketplace better, see what kind of response you are getting, and determine in what areas you find practicing most enjoyable. But ultimately, I think you need to work towards selecting particular niche areas that are unique to you because you cannot possibly be the right neutral for all kinds of disputes. This will also help with branding. I also would not be hesitant to volunteer time in exchange for gaining experience and training. Court-annexed programs are a good source for those opportunities.

On branding, networking and marketing skills are a must. You should be active in bar, trade, and ADR-related organizations of all different kinds, including attending conferences, workshops, and meetings of those organizations; volunteering for projects and initiatives; authoring articles to develop expertise, reputation, and a profile in particular areas; securing speaking engagements to highlight your expertise and reach a broader audience; and using technology to your advantage, such as paying close attention to search engine optimization techniques and being active on social media (e.g., LinkedIn, Facebook, Twitter, etc.).

Q: What do you foresee for the future of ADR—say, in the next 10 years?

A: I think the future of ADR is bright and healthy. As the limitations of litigation become even more apparent—the increasing costs of e-discovery and high-priced experts, the mounting length of time to reach finality, and the frustrations of having little to no control over the process—parties and their counsel have explored, and will continue to explore, alternative methods for



resolving their disputes. Although some disputes are far better resolved in a court proceeding (e.g., where an injunction is necessary or a binding precedent is sought), I believe the vast majority of disputes can be handled using techniques that will be more cost-effective and afford greater control and flexibility to customize the process by which the dispute is resolved.

I think we can expect to see increasing numbers of litigants consider techniques such as arbitration, early neutral evaluation, summary jury trials, and mediation as true alternatives to undergoing an expensive and time-consuming discovery process that is followed by the almost inevitable summary judgment motion, and then, possibly, a full-blown trial. As part of that trend, I think we will also see a renewed emphasis on drafting appropriate ADR clauses instead of merely copying and pasting outdated language from precedent documents. On this point, I am a big fan of the AAA's on-line tool called ClauseBuilder® that walks you step-by-step through the drafting process to create a customized clause appropriate to the situation.

I also see an increasing trend, both domestically and globally, towards utilizing mediation as a mechanism for resolving disputes, sometimes as a first step in a tiered mechanism for addressing workplace or business disputes. Courts too will likely continue to adopt mandatory mediation and arbitration programs to address their overcrowded dockets and resolve a host of civil matters ranging from business disputes to personal injury cases to family and matrimonial matters.