

EU-U.S. DPF, UK Extension to the EU-U.S. DPF, and Swiss-U.S. DPF Arbitrator

David B. Wilson

David B. Wilson Dispute Resolution LLC

Current Employer-Title	David B. Wilson Dispute Resolution LLC—Independent Arbitrator and Mediator
Profession	Arbitrator, Mediator, Attorney; Solicitor (England & Wales)
Work History	Independent Arbitrator and Mediator, David B. Wilson Dispute Resolution LLC, June 2024 - present; Counsel Member, Sherman & Howard L.L.C., 2023 - May 2024; Member, 2013 - 2023; Partner, Holme Roberts & Owen LLP/Bryan Cave HRO, 1993 - 2013; Associate, Holme Roberts & Owen LLP, 1986 - 1992.
Experience & Expertise in U.S. Privacy Law and EU Data Protection Law and, As Appropriate, Any Other European Data Protection Law	<i>U.S. Privacy Law.</i> Since early in his practice, he has helped U.S. clients to develop appropriate policies and to comply with their obligations under U.S. privacy laws, including the following: (1) advising clients regarding federal laws concerning privacy, including, for example, the Electronic Communications Privacy Act, the Fair Credit Reporting Act, the Family and Medical Leave Act, and the Americans with Disabilities Act; (2) advising clients and drafting policies related to compliance with state laws on privacy, including internet privacy, data protection, and privacy in employment; (3) advising clients concerning their obligations under Colorado statutes related to privacy; (4) advising clients on issues concerning the unauthorized disclosure of confidential information; (5) advising clients concerning the protection of trade secrets and other confidential information; (6) drafting policies and contracts for the protection of trade secrets and other confidential information; (7) as arbitrator and advocate, drafting orders for the protection of trade secrets and other confidential information and addressing compliance with those orders; (8) as advocate, prosecuting and defending claims for the misuse of trade secrets and other confidential information; (9) as arbitrator, resolving claims for the misuse of trade secrets and other confidential information; (10) as arbitrator, drafting orders concerning cybersecurity; (11) as arbitrator and advocate, developing procedures to manage confidential information in arbitrations; (12) as advocate, handling disputes involving common law privacy torts (<i>e.g.</i> , intentional intrusion upon seclusion); (13) as advocate, handling disputes related to the misappropriation of online identity (<i>e.g.</i> , the creation of a deceptively-similar website to fraudulently obtain personal information from consumers who believe that they are actually dealing with someone else).

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AAA-ICDR Panelist – ID 157190

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EU Data Protection Law. Beginning in the early 2000s, he has advised clients regarding GDPR, the previous EU Data Protection Directive, and the various iterations of the “safe harbors,” both before and after the *Schrems II* decision.

Experience & Training in Alternative Dispute Resolution

Experience: He serves on the ICDR and AAA Panels (including Large Complex Case, Energy, and the M&A and Joint Venture Panels). He has served as counsel, tribunal chair, co-arbitrator, sole arbitrator, and emergency arbitrator in dozens of international and U.S. arbitrations, including matters under ICDR, AAA, UNCITRAL, ICC, and other rules. He has served as arbitrator (chair, panelist, sole arbitrator, and emergency arbitrator) more than 60 times in international and U.S. arbitrations. He was previously appointed to the EU-US Privacy Shield List of Arbitrators.

Training: AAA/ICDR/AAA Mediation.org Panel Conference, 2023 and 2019; Disclosure Dynamics in Arbitration, 2024 (ACE 2024); Arbitrator Performance and Demeanor - Meeting Participant Expectations, 2018 (ACE 18); Red Flags & Risk Areas: Challenges to Arbitrator Authority, 2017 (ACE 14); Dealing with Difficult Attorneys in Arbitration, 2016 (ACE 13); AAA Key Issues to Consider Regarding Domestic and International Arbitration, 2015; AAA Principled Deliberations, 2014; AAA Challenges at the Preliminary Hearing, 2013 (ACE006); ICDR International Symposia in Advanced Case Management Issues, 2012; AAA Managing the Arbitration Process for Efficiency & Economy Following the Preliminary Hearing, 2012; AAA Charing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2012; AAA Dealing With Delay Tactics in Arbitration (ACE004), 2012; AAA Arbitrator Ethics & Disclosure (ACE003), 2012; various other arbitration seminars and courses.

Professional Licenses

Admitted to the Bar, Colorado and as Solicitor of the Senior Courts, England and Wales.

Professional Associations

Member, American Bar Association (Life Fellow, American Bar Foundation); Member, American Law Institute; Fellow, Chartered Institute of Arbitrators (Chair, Rocky Mountain Chapter, North American Branch); Fellow, College of Commercial Arbitrators; Member, Colorado and Denver Bar Associations (Chair, CBA International Law Section, 2022-2024); Member, Equal Representation in Arbitration Pledge USA Subcommittee; Member, Federalist Society; Member, ICC Commission on Arbitration and ADR (2004-2024) (Vice Chair, 2014-2018; Co-Chair, Task Force on Information Technology in International Arbitration and Task Force on Expertise (served until work of these Task Forces concluded); Member, Working Group on the Use of Technology in Arbitration); Member, International Bar Association; Member, ICCA; Member, Law Society of England and Wales; Senior Fellow, Litigation Counsel of America; Member, Silicon Valley Arbitration

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& Mediation Center (SVAMC); Chair, Rocky Mountain Subcommittee, U.S. Council for International Business (ICC USA) Arbitration Committee.

Education

The University of Texas Law School (JD, with high honors, Order of the Coif - 1986); The University of Texas at Austin (BA, with highest honors, Plan II Honors Program, Phi Beta Kappa - 1983); MIT Sloan School of Management, “Artificial Intelligence: Implications for Business Strategy” (Certificate - 2022) and “Blockchain Technologies: Business Innovation and Application” (Certificate - 2021).

Languages

English

Publications, Speeches & Testimony

PUBLICATIONS: Co-Author, “Tortious Interference: Colorado,” THOMSON REUTERS PRACTICAL LAW (2022); Co-Author, “Breach of Fiduciary Duty: Colorado,” THOMSON REUTERS PRACTICAL LAW (2022); Co-Author, “Fraud: Colorado,” THOMSON REUTERS PRACTICAL LAW (2021); “Co-author, “Issues for Arbitrators to Consider Regarding Experts,” ICC DISPUTE RESOLUTION BULLETIN 2021, Issue No. 2 (originally published, ICC INT’L COURT OF ARBITRATION BULLETIN, Vol. 21, No. 1 (2010)); Co-author, “Issues for Experts Acting Under the ICC Rules for Expertise or the ICC Rules of Arbitration,” ICC DISPUTE RESOLUTION BULLETIN 2021, Issue No. 2 (originally published, ICC INT’L COURT OF ARBITRATION BULLETIN, Vol. 20, No. 1 (2009)); Co-author, “Emergency Arbitrator Rules Among Four Major Arbitral Institutions: Both Alike and Different,” Expert Guides (March 2019); Co-author, “An Updated Overview of Issues to Consider When Using Information Technology in Int’l Arbitration,” ICC INT’L COURT OF ARBITRATION BULLETIN (April 2017); Author, “An Overview of U.S. Federal Court Decisions Regarding Interim Remedies in Int’l Commercial Arbitration,” INT’L COMMERCIAL ARBITRATION: NATURAL RESOURCES, ENVIRONMENT, AND TECHNOLOGY DISPUTES, Canadian Bar Assoc. (2005); Co-author, “Explanatory Notes on the Standards,” ICC INT’L COURT OF ARBITRATION BULLETIN: Special Supplement on Using Technology to Resolve Business Disputes (2004); Co-author, “Investment in Europe: An Overview of Common Legal Issues,” THE COLORADO LAWYER (June 2002); Author, “How U.S. Courts Interpret Arbitration Agreements,” INT’L DISTRIBUTION LAW (Siefarth ed.), Transnational Publishers (2001); Author, “Recognition and Enforcement of Money Judgments in U.S. Courts,” INT’L JUDICIAL ASSISTANCE IN CIVIL MATTERS (Prell ed.), Transnational Publishers (1999).

SPEAKING ENGAGEMENTS: Speaker, “AI in Arbitration: Hype, Hope, or In Between,” Penn State University Law School Symposium on Artificial Intelligence, State College, PA (March 2024); Moderator, “How Not to Annoy an Arbitrator: Tips

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from Int'l Arbitrators on Better Arbitration Advocacy," Colo. Bar Assoc. Int'l Law Section and College of Commercial Arbitrators (Dec. 2023) (webinar); Panelist, "Practical Tech Tips And Tools For Domestic And Int'l Arbitrators From The ICC Commission Report On Leveraging Technology," College of Commercial Arbitrators (September 2023)(webinar); Panelist, "The ICC Commission Report on Leveraging Technology for Fair, Effective and Efficient International Arbitration Proceedings," Silicon Valley Arbitration and Mediation Center (May 2022); Speaker, "Int'l Arbitration: Answering Your Questions and Receiving Your Feedback," ICC Int'l Ct. of Arb. and AZ Assoc. of Corp. Counsel (Feb. 2021); Speaker, "Int'l Arb. in the Time of COVID," Colo. Bar Assoc. Int'l Law Sec., Denver, CO (Dec. 2020); Speaker, "Ethics in Int'l Arb.," AAA/ICDR and CBA Litigation and Int'l Law Secs., Denver, CO (Nov. 2019); Panelist, "Int'l Arb.: Key Issues for New Mexico Businesses," ICC Int'l Court of Arb. and NM State Bar Trial Sec., Albuquerque, NM (June 2019); Panelist, "Cybersecurity and Data Protection in Int'l Arb.: Practical Suggestions for Case Management and Compliance," Practising Law Inst. One Hour Briefings (Oct. 2018); "Avoiding Common Mistakes in Int'l Arb.," ICC Int'l Court of Arb., Ariz. Assoc. of Corp. Counsel, and Global Chamber Phoenix, Phoenix, AZ (Jan. 2018); Moderator and Panelist, "Technology and ADR—The Risks and Opportunities (Legal Framework and Institutional Guidance)," Chartered Inst. of Arbitrators, London, England (Nov. 2017); "Cybersecurity in Int'l Arb.," 12th ICC New York Conf., New York, NY (Sept. 2017); "Sanctions for Unsuccessful Challenges to Int'l Arb. Awards," ABA "CLE in the City" Series, Int'l Dispute Res. Track, ABA Annual Meeting, New York, NY (Aug. 2017); and various other speeches and seminars.

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