

VIAC – Questionnaire for Arbitrators

1. Name: Carol Ludington

2. Citizenship: USA

3. Contact information:

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Fax:

E-Mail: cludington@ludingtonltd.com

Website: www.ludingtonltd.com

LinkedIn:

4. Current position: President, Ludington Ltd.

5. Education: BS in accounting and business administration, 1000+ hours of continuing professional education related to accounting, business, dispute resolution and other related topics.

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
20+
- How often have you acted as Chairman?
3+
- How often have you acted as Sole Arbitrator?
1-2
- How often have you acted as Co-Arbitrator?
20+
- How often have you acted as Counsel?
None
- How often have you acted in a different function (e.g. Administrative Secretary)?
Damages/quantum expert in 10+ arbitrations and hundreds in litigation

7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):

Publications

“Experts: Early, Tailored and Effective,” Austrian Yearbook on International Arbitration, 2019

“Initial Damages Assessments: Focusing Early on Things that Count but Cannot be Counted,” ADR Advocacy, Strategies, and Practices For Intellectual Property and Technology Cases, Second Edition, American Bar Association, 2017

“The Sedona Conference Commentary on Case Management of Patent Damages and Remedies Issues: Section on Patent Damages Hearings,” (Contributing Editor), The Sedona Conference, May 2017, Public Comment Version

“Med-Arb: If the Parties Agree,” Yearbook on International Arbitration and ADR, Volume V, Spring 2017

“The Sedona Conference Commentary on Patent Litigation Best Practices: Patent Mediation Chapter” (Contributing Editor) The Sedona Conference, April 2017

“Med-Arb: If the Parties Agree,” TDM 1 (2017), January 2017

“Eat the Frog First: Address Damages Early,” Dispute Resolution Section of the New York State Bar Association, Fall 2015

“Refocusing the Damages Analysis in Patent Suits: New Techniques & ADR Options For Litigants & Damage Experts,” American Bar Association Section of Intellectual Property Law 29th Annual Intellectual Property Law Conference, Spring, 2014

“If We Ignore It Maybe It Will Go Away,” ABA Section of Dispute Resolution, Just Resolutions e-News, Spring 2014

Seminars & Teaching

Presented U.S. and international programs on a variety of litigation and other topics. Representative presentations include the following:

"The ABC's of \$ in Litigation: Accounting and Economics for Judges," Minnesota Fourth District Bench Retreat, Minneapolis, MN 2019

"AIPLA Patent Damages Case Law-2018 Year in Review," 2019

"(Non?)-Traditional Neutrals," Center for International Legal Studies International Arbitration Symposium, Salzburg, Austria, 2018

"Traditional Ways Revisited – lessons learned from the past," Vienna Arbitration Days 2018, Vienna, Austria, 2018

"Ethics Panel," Center for International Legal Studies International Mediation Symposium, Salzburg, Austria, 2017

"Strange Bedfellows: Achieving Dispute Resolution Success with Hybrid Techniques and Neutral Experts," ABA Section of Dispute Resolution 19th Annual Spring Conference, San Francisco, CA, 2017

"Cybersecurity Panel," Panel presentation for the Hon. Jimmy V. Reyna IP Inn of Court, Minneapolis, MN, 2017

"Eat the Frog First – Use Damages Effectively," Minnesota CLE, Minneapolis, MN, 2017

"What US Dispute Resolution Specialists Can Learn From International Arbitration," MSBA Section of ADR, Minneapolis, MN, 2017

"Whether Damages-Focused Hearings Can Be Used Relatively Early in the Case to Focus the Litigation," The Sedona Conference WG9 and WG10 Joint Annual Meeting, Houston, Texas, 2017

"Not All Things That Count Can Be Counted," AIPLA 2016 Annual Meeting, Washington, DC, 2016

"Eat the Frog First," Expert Witness Institute, London, England, 2016

"When a Bank Book Makes Good Reading – Financial Issues in Civil Litigation", MDJA-MDJF Annual Meeting & MDJF Fall Educational Conference, Brainerd, MN, 2016

"Ethics Panel," Center for International Legal Studies International Arbitration Symposium, Salzburg, Austria, 2016

"Use of Damage Experts," and Panel Discussion, University of Minnesota Law School Patent Symposium, Minneapolis, MN, 2016

"Eat the Frog First: Using Damages As An Effective Tool," ABA Dispute Resolution Conference, New York, NY, 2016

Business Law Series: "Eight Ways to Make the Most of Arbitration," Minnesota CLE, Minneapolis, MN, 2016

"Patent Mediation – a continuing process to define and simplify the issues for helping resolve the dispute," The Sedona Conference, WG9 and WG10 Joint Mid-year Meeting, Pasadena, CA, 2016

"Peeves, Process and Presentation of Damages," Patent Damages Roundtable, Panel Moderator, University of Texas School of Law, Austin, TX, 2015

"Eat the Frog First: Address Damages Early," WIDR Committee of the ABA, 2015

"Financial Issues in the Courtroom – Damages, Valuations, Financial Statements and More – Traps and Tips for Judges," Managing the Challenging Civil Case, MJB Judicial Education, the Minnesota District Judges Foundation and Hamline University School of Law, St. Paul, MN, 2015

"Ten Ways Corporate Counsel Can Make the Most of Arbitration," Minneapolis, MN, 2015

"International Panel," Expert Witness Institute, London, England, 2014

"Improving the Process – Track B and Beyond," Patent Damages Roundtable, University of Texas School of Law, Austin, TX, 2014

"Damages in International Arbitration," Willem C. Vis International Commercial Arbitration Moot, Austria, 2014

"Refocusing the Damages Analysis in Patent Suits: New Techniques & ADR Options for Litigants & Damages Experts," American Bar Association Section of Intellectual Property 29th Annual Intellectual Property Law Conference, Arlington, VA, 2014

"Patent Litigation – One Size Does Not Fit All," American Bar Association Intellectual Property Committee, Dispute Resolution Section, Forum Call, 2014

"Patent Damages. . . or Not," Minnesota Intellectual Property Law Association, Minneapolis, MN, 2013

"IP Damages Update," Licensing Executives Society Twin Cities Chapter, Minneapolis, MN, 2011

"IP Damages Institute," CalCPA Education Foundation, Los Angeles, CA, 2010

"Ethics: Will You Know It When You See It?" AICPA National Forensic Accounting Conference, Boston, MA, 2010

"Expert Depositions," Minnesota CLE, Minneapolis, MN, 2007, 2009 and 2010

"Intellectual Property Damages," AICPA National Conference of Fraud and Litigation Services, San Diego, CA, 2007

8. Membership in arbitral institutions / functions in arbitral institutions/organizations:

AAA Roster of Neutrals, American Arbitration Association

Qualified neutral under Rule 114 of the Minnesota General Rules of Practice

Vienna International Arbitral Center (VIAC) – List of Practitioners in International Arbitration

Vienna International Arbitral Center (VIAC) – List of Practitioners in International Mediation and ADR

Past Arbitrator, NASD

Associate, Chartered Institute of Arbitrators

Congress of Fellows – Center for International Legal Studies

Participated in working sessions of the United Nations Commission on International Trade Law (UNCITRAL) Working Groups II and III on behalf of the Forum for International Conciliation and Arbitration (FICA), an UNCITRAL Observer NGO.

Member, Sedona Conference Patent Damages and Remedies Working Group 9, Patent Litigation Best Practices Working Group 10, and Trade Secrets Working Group 12

9. Languages

Mother tongue: English

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language):

10. In which legal systems have you trained?

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> Civil Law | <input checked="" type="checkbox"/> Common Law | |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input type="checkbox"/> Swiss Law |
| <input type="checkbox"/> Czech Law | <input type="checkbox"/> Polish Law | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law | <input type="checkbox"/> Slovakian Law | <input type="checkbox"/> European Law |

Other _____

11. What is your main jurisdiction of practice?

U.S.

12. In which jurisdictions are you admitted to the bar?

N/A

Carol Ludington possesses over thirty years of varied experience as a damage expert in U.S. domestic litigation, U.S. arbitration and international arbitration; as an arbitrator; and as a consultant in hundreds of matters involving a wide variety of industries and parties ranging from Fortune 500 companies to small companies and individuals.

Certified Public Accountant – U.S.

Certified in Financial Forensics – American Institute of CPAs

Certified Licensing Professional – CLP Board of Governors

13. Special expertise or specializations (please list a maximum of five):

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Antitrust/Unfair competition | <input checked="" type="checkbox"/> Damages | <input type="checkbox"/> Insolvency | <input type="checkbox"/> Power plants |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input type="checkbox"/> Insurance | <input type="checkbox"/> Private Intern. Law |
| <input type="checkbox"/> Banking & Finance | <input type="checkbox"/> Domain name disputes | <input checked="" type="checkbox"/> Intellect. property (IP) | <input type="checkbox"/> Public Intern. Law |
| <input type="checkbox"/> Capital markets | <input type="checkbox"/> Employment | <input type="checkbox"/> ISDS/ Foreign invest. | <input type="checkbox"/> Real estate |
| <input type="checkbox"/> CISG | <input type="checkbox"/> Energy | <input type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input type="checkbox"/> Civil fraud disputes | <input type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Licensing | <input type="checkbox"/> Sports |
| <input checked="" type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Life sciences | <input type="checkbox"/> State/Public contracts |
| <input type="checkbox"/> Commodity market | <input type="checkbox"/> Healthcare & Pharmac. | <input type="checkbox"/> Maritime arbitration | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour. | <input type="checkbox"/> Media | <input type="checkbox"/> Telecommunication |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Mining | <input type="checkbox"/> Transport |
| <input checked="" type="checkbox"/> Contract law | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Natural resources | |
| <input type="checkbox"/> Other _____ | | | |

14. Date of birth: 13 August, 1957

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator

willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

XX I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

XX I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

Date

and

Signature