

VIAC – Questionnaire for Arbitrators

1. Name: Melissa Magliana

2. Citizenship: American, Italian, Swiss

3. Contact information:

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4. Current position:

Partner at Lalive SA

5. Education:

1999: B.A., *magna cum laude*, Princeton University

2004: J.D., James Kent Scholar, Columbia University School of Law

2014: MLaw, *magna cum laude*, University of Lucerne School of Law

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
Approximately 57 arbitrations as counsel, arbitrator or secretary under the following Rules:
 - ICC Rules: ca. 40 proceedings under ICC rules;
 - DIS Rules: 4;
 - SCAI Rules: 6;
 - VIAC Rules: 1;
 - NAI Rules: 1;
 - CAS: 2;
 - ICSID: 1;
 - Ad hoc: 2.
- How often have you acted as Chairman?
In six cases (3 under the ICC Rules, 2 under the SCAI Rules, 1 ad hoc).
- How often have you acted as Sole Arbitrator?
In three cases (1 under the ICC Rules, 1 under the DIS Rules, 1 under the SCAI Rules).
- How often have you acted as Co-Arbitrator?
In three cases (1 under the ICC Rules, 1 under the DIS Rules, 1 under the SCAI Rules).
- How often have you acted as Counsel?
In approximately 35 arbitration proceedings (under ICC, DIS, VIAC, SCAI, NAI and CAS rules).
- How often have you acted in a different function (e.g. Administrative Secretary)?
In 10 cases (under the ICC Rules).

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

Selection of recent publications

- MAGLIANA MELISSA / WIRTH MARKUS, Commentary of Articles 188-189 PILA, in: Honsell Heinrich et al. (Eds.), Basler Kommentar, 2020. [forthcoming 2021]
- MAGLIANA MELISSA / RICHERS ROMAN, Arbitration in Switzerland, in: Balthasar Stephan (2d Ed.), International Commercial Arbitration: Practitioner's Guide, 2020. [forthcoming 2020]
- MAGLIANA MELISSA, Commentary of Article 28 ICC Rules, in: Arroyo Manuel (2d Ed.), Arbitration in Switzerland — The Practitioner's Guide, 2018.
- MAGLIANA MELISSA, Commentary of Article 26 Swiss Rules, in: Arroyo Manuel (2d Ed.), Arbitration in Switzerland — The Practitioner's Guide, 2018.
- MAGLIANA MELISSA / RICHERS ROMAN, Switzerland: Law and Practice, in: Friedland Paul (Ed.), Chambers Country Practice Guides, International Arbitration, 2016.
- MAGLIANA MELISSA / WIRTH MARKUS, Evidence Gone Astray, in: Ehle Bernd / Baizeau Domitille (Eds.), Stories from the Hearing Room: Experience from Arbitral Practice: Essays in Honour of Michael E. Schneider, 2014.
- MAGLIANA MELISSA, Review of the Recent Case Law of the Swiss Federal Supreme Court, in: Muller Christoph / Rigozzi Antonio (Eds.), New Developments in International Commercial Arbitration, 2012.

Selection of recent conferences

- **Fordham International Arbitration Conference**
Contract Interpretation in International Arbitration: Is there a common law – civil law divide that matters?
New York, 22 November 2019
Speaker
- **11th Annual AIJA Arbitration Conference**
Efficiency – the counsel's perspective
Zurich, 28 June 2019
Speaker
- **3rd ICC European Conference on International Arbitration**
Oxford style debate: The safeguard of international, European and domestic mandatory rules by arbitral tribunals – practical implications
Paris, 1 April 2019
Speaker
- **CPR Annual Meeting 2019**
Faster, better, stronger: Expedited Procedures in Arbitration
Washington, D.C., 1 March 2019
Speaker
- **ISTAC M&A Disputes Conference**
How to manage M&A disputes
Istanbul, 18 January 2019
Speaker
- **GAR Live**
Different approaches to cross examination and advocacy
Istanbul, 21 June 2018
Speaker

- **ASA Gala Dinner & Advocacy Prize Giving Ceremony**
Laudatio in Honor of Professor Mohamed S. Abdel Wahab
Zurich, 1 February 2018
Speaker
- **ASA/ZAV Espace Mittelland**
The New Expedited and Super-Expedited Procedures under the ICC and Swiss Rules: Is faster always better?
Bern, 8 May 2017
Speaker
- **ASA Conference**
Typology of Cases and Typical Difficulties when Dealing with Recovery of Actual Expenses
Geneva, 3 February 2017
Speaker

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

Currently: Member of the Arbitration Court of the Swiss Chambers' Arbitration Institution; Member of the Board of the Swiss Arbitration Association (ASA); Co-chair of the ASA Practice Building Seminar.

Previously: Co-chair of ASA below 40; Steering Committee member of Young Arbitral Women Practitioners.

9. Languages

Mother tongue: English, German

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): French, Italian

10. In which legal systems have you trained?

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Civil Law | <input checked="" type="checkbox"/> Common Law | |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input checked="" 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 US Law

11. What is your main jurisdiction of practice?

Switzerland, USA.

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

New York (2005)

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

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> Antitrust/Unfair competition | <input 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 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 checked="" type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input type="checkbox"/> Civil fraud disputes | <input type="checkbox"/> Engineering | <input type="checkbox"/> Licensing | <input type="checkbox"/> Sports |
| <input type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment | <input checked="" 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 checked="" type="checkbox"/> Construction | <input type="checkbox"/> Inform. technology (IT) | <input checked="" type="checkbox"/> Mining | <input type="checkbox"/> Transport |
| <input checked="" type="checkbox"/> Contract law | <input checked="" type="checkbox"/> Infrastructure | <input type="checkbox"/> Natural resources | |
| <input type="checkbox"/> Other _____ | | | |

14. Date of birth: 15.03.1978

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".

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

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>.

28.09.2020

Date

and

Signature