

ABA Section on Dispute Resolution's Arbitration Committee E-Newsletter

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Member Spotlight: Gary Benton



This issue in the Arbitration Committee Member Spotlight, we are proud to hear from Gary Benton, a full-time arbitrator and mediator of international and domestic commercial disputes, based in Palo Alto, California.

www.garybentonarbitration.com

1. How did you get into the dispute resolution field?

A lucky break – as a young associate I got a job with Coudert Brothers which, in its day, was the premiere international arbitration firm. So, I had the opportunity to learn from some of the luminaries in the field.

2. What roles do you currently play in the dispute resolution field—e.g., domestic arbitrator, international arbitrator, mediator, lawyer representing clients, other?

I have at least two full time jobs right now. I'm a full-time arbitrator, about 2/3 of my work is international and about 1/3 domestic, almost all private investment or technology industry-focused. Mediation fills in the gaps – it requires me to be friendly to people every once in a while, so that's good. My night job is as the Chairman of the Silicon Valley Arbitration & Mediation Center (SVAMC), a non-profit that serves the global technology sector. SVAMC provides tech companies complimentary resources on efficient tech dispute resolution. SVAMC doesn't administer cases; rather, we collaborate with tech companies, law firms, universities and all the leading ADR providers. There's a lot of good being done with education, expanding the field and supporting diversity.

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Gary Benton, Cont.

3. How did you begin your career as an arbitrator?

I started off as an IP litigator and quickly realized that litigation wasn't a very efficient or uplifting process. So, I just started learning everything I could about arbitration, and began exploring innovative ways to bring technology disputes to arbitration. AAA was, and still is, very supportive of the field.

4. What knowledge, experience and/or skills are essential for a successful arbitrator?

I'll do my percentages wrong again – I think industry experience, knowledge of the substantive law, capacity in the arbitration process and arbitration temperament are all 100% requirements. To me, the role is entirely different from being a judge – you're being hired to apply the law but you have to roll up your sleeves, work with counsel and think like a businessperson in a practical, industry-focused way.

5. Do you specialize in a particular subject matter or field? If so, how did you become involved in that field.

Yes, I left New York and started my legal career in Silicon Valley – and there was little choice but to become a technology lawyer. I've done patent litigation, licensing and distribution work, tech development contracts, venture capital financings, M&A and IPOs, and served as inside and outside counsel for some of the most exciting companies in the world

6. In your opinion, what is the most important issue in arbitration today?

To me, it's the global expansion of industry sectors and the resulting opportunities for arbitration. Emerging companies in China and elsewhere in Asia are already changing the way we think about how, when and where arbitration and mediation should be used.

7. Is there anything else you would like to tell the readers about yourself?

My wife and kids think I'm kind of geeky being into tech ADR but I think it's cutting edge and I'm kind of fun.