

MATTHEWS, JOE

Chartered Arbitrator, CI Arb

Fellow, College of Commercial Arbitrators



JOSEPH M. MATTHEWS, P.A.

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Date of Birth: April 28, 1952

Dispute Resolution Experience:

Joe Matthews has served as arbitrator or advocate in more than 150 arbitrations. Cases include disputes over U.S. domestic and international business matters, construction, employment relations, securities, health care, insurance and reinsurance, intellectual property and technology both *ad hoc* and under the auspices of AAA, NASD, ICSID, ICC and other dispute resolution forums. He serves on the Board of Directors of the American Arbitration Association. He is a fellow and member of the Board of Directors of the International Academy of Trial Lawyers, American College of Trial Lawyers and American Board of Trial Advocates.

Arbitration Panels:

ICDR International Arbitration Panel
AAA Commercial and Construction Panel
AAA Large, Complex Case Panel
AAA Class Arbitration Panel
CPR (International Institute for Conflict Prevention and Resolution) Panel
CPR Construction Panel

Training:

ICDR 5th Annual Miami International Arbitration Conference, Arbitration in Las Americas: A 360 Degree View, 2007

AAA Annual Board Meeting, Arbitrator Update, 2006

AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics, 2005

AAA Neutrals Conference, 2003

AAA Annual Board Meeting, Arbitrator Update, 2003

Advanced Case Management Issues, 2002

AAA Commercial Arbitrator II Training, 2001

AAA Commercial Arbitrator Training, 1999

AAA Large, Complex Case Arbitrator Training, 1993

Lectures and Teaching Experience:

Mr. Matthews has presented more than 100 lectures and seminars. The most recent include:

January 2004 – organized and directed week-long conference sponsored by the Center for International Legal Studies entitled “Liabilities and Responsibilities of Lawyers in International Disputes.”

October 2004 – Participated in Panel Conference on the Role of Lawyers in a Democracy at the Central Party School in Beijing, China

September 2006 - taught seminar on International Arbitration and The Rule of Law at the National University of Mongolia School of Law

October 2006 - Guest Lecturer University of Dundee – Arbitration in Developing Nations

Speaker - 2005 and 2006 ICDR 4th and 5th Annual Miami International Arbitration Conference

Speaker – 2007 Fourth Annual Seminar on International Commercial Arbitration – How to Handle Oil and Gas Industry Cases

Education:

The Defiance College, B.A. –1974 (*magna cum laude*)

University of Miami School of Law, J.D. (*summa cum laude* 1st in Class – 1977)

Languages: English and French (reading only)

Publications:

“Difficult Transitions Do Not Always Require Major Adjustment – It’s Not Time to Abandon Party-Nominated Arbitrators in Investment Arbitration” ICSID REVIEW – FOREIGN INVESTMENT LAW JOURNAL, 2011.

“Transparency in Investment Arbitration: A Creeping Reality?” 4 NEW YORK DISPUTE RESOLUTION LAWYER, Spring 2011, 49-50

“Time to Evaluate the Standards for Issuance of Interim Measures of Protection in International Investment Arbitration” (with Karen Stewart) ARBITRATION INTERNATIONAL, Vol. 25, Issue 4, 2009

“Identifying and Overcoming Arbitrator Bias - Advocacy in International Arbitration” TRANSNATIONAL DISPUTE MANAGEMENT JOURNAL, Special Issue, Summer 2008

“Recognition and Enforcement of U.S. class action judgment and settlements in Switzerland,” (with Daniele Favalli), REVIEW SUISSE DE DROIT INTERNATIONAL ET EUROPEEN April 2007

“Are Florida Courts Really Parochial When it Comes to Arbitration? *A Rebuttal*” THE FLORIDA BAR JOURNAL, December 2007

“Let the Sun Shine In and be Proud: The Case for Arbitration Rules that Presumptively Grant Public Access to All Arbitration Proceedings” TRANSNATIONAL DISPUTE MANAGEMENT JOURNAL, 2006

“The Role of Arbitrators in Settlement of Claims Pending Before Them for Decision,” TRANSNATIONAL DISPUTE MANAGEMENT JOURNAL, Vol. 2, Issue 5 November 2005

“Consumer Arbitration – Is It Working and Will It Continue to Work?” THE FLORIDA BAR JOURNAL, April 2005

“Online Arbitration of Cross-Border, Business to Consumer Disputes, UNIVERSITY OF MIAMI LAW REVIEW, vol. 56, p.1111, 2003

Selected Experience as Advocate in Arbitration:

A sampling of the cases in which Mr. Matthews served as advocate follows:

Mr. Matthews has served as counsel for a young Canadian citizen who was rendered a quadriplegic while in the employ of a cruise line. The arbitration dispute involves claims for damages under the U.S. maritime laws.

Mr. Matthews has served as co-counsel to a Chilean business in an *ad hoc* international arbitration under UNCITRAL Rules involving a leading international ratings company.

Mr. Matthews has served as counsel for the developers of an Indian Bingo Casino in South Florida who were removed after building and operating it for a short time. The owners were awarded more than \$8 million by an *ad hoc* arbitration panel and he represented them in the successful enforcement action. The final decision of the court of appeals was reported at *Tamiami Partners, Ltd. v. Miccosukee Tribe of Indians of Fla.*, 63 F.3d 1030 (11th Cir. 1995).

Mr. Matthews has served as counsel to a public company in an accounting malpractice claim against one of the big international accounting firms that resulted in a multimillion dollar award in 2003.

Mr. Matthews assumed responsibility as counsel for Consorcio Barr, S.A. in its disputes with the Four Seasons Hotel chain. When Mr. Matthews got involved, Consorcio Barr had already suffered serious adverse decisions entered against it by the U.S. District Court for the Southern District of Florida and an extraordinary anti-suit injunction entered by an arbitration panel of ICDR. On appeal the 11th Circuit Court of Appeals vacated the anti-suit injunction.

Selected Experience as Arbitrator:

A sampling of the cases in which Mr. Matthews served as arbitrator follows:

- Currently serving as arbitrator in investment arbitration administered by ICSID, involving claims by Italian mining interests against the Government of the Republic of South Africa.
- Served as party-appointed arbitrator in dispute administered by ICC between Taiwanese corporation and U.S. based entertainment provider over landing rights for satellite transmissions into the country of Taiwan. Case involved claim for many millions of dollars and was resolved following entry of a partial award on motion for interim relief
- Served as arbitrator (not chair) in multimillion dollar dispute administered by AAA involving sale of U.S. mortgage banking entity that resulted in Award of millions of dollars following more than 10 days of formal hearings.
- Served as chair in franchise dispute administered by AAA in technology employment field involving claim for millions of dollars resulting in award of substantial damages.
- Served as chair in *ad hoc* dispute involving sale of a business with claim for millions of dollars that resulted in an award of no compensation.
- Served as arbitrator (not chair) in multimillion dollar *ad hoc* dispute pursuant to CPR Rules involving Polybutelene piping in a group of multifamily residential buildings in Tampa, Florida pursuant to a settlement agreement reached in a national class action case.
- Served as sole arbitrator in domestic dispute arising out of sub-prime mortgages that resulted in an award in damages against loan originator.
- Served as sole arbitrator in disputes administered by the AAA and *ad hoc* under the Federal Multiple Peril Crop Insurance Common Crop Insurance Policy. At least two such arbitrations have resulted in the entry of Final Awards.
- Served as sole arbitrator, neutral and chair on three member panels, in numerous construction contract disputes administered by the AAA and also in *ad hoc* proceedings.

- Served as chair with neutral arbitrators in dispute administered by the AAA involving the dissolution of a very lucrative medical practice that was resolved after creative order establishing hearing procedures.
- Served as neutral (not chair) in dispute between harbor pilot and Harbor Pilot's Association involving termination of the pilot that resulted in damage award in favor of the Pilot.