

15 Minutes With The American Arbitration Association's GC

By Michele Gorman

Law360 (November 5, 2018, 2:02 PM EST) -- As general counsel, Eric Tuchmann manages the legal affairs of the American Arbitration Association, including litigation-related matters involving the organization and its arbitrators, and he drafts amicus curiae briefs submitted on its behalf.

Before he joined the legal department, he was director of the International Centre for Dispute Resolution, the international branch of the AAA, where he guided the division responsible for providing international arbitration and mediation services.

Here, Tuchmann shares with Law360 the most rewarding aspect of his 22-year career at the AAA and the project he's looking forward to in the next year. This interview has been edited for clarity and length.

What kind of legal issues do you deal with as the general counsel of the AAA?

The legal issues I deal with, they're varied. One aspect of what I do is simply to make sure that I'm up to date on what's happening in courts around the country and around the world on arbitration. There are decisions that come out almost daily across the country that will appear in Westlaw or otherwise. But it's important to know that we understand how courts are interpreting arbitration agreements, what standards they're using, petitions to vacate, for example.

We do deal with litigation issues. As to the AAA, [it's a] very, very small part of the cases we administer, but some do give rise to litigation-related matters, and those need to be handled.

The legal department doesn't administer cases, per se. When somebody files a case with the AAA, it's processed and it's assigned to one of the divisions that has a specialization in that area. There's a construction division, there's an employment division, a labor, a commercial. When a case comes in, it goes to these different divisions where staff have experience and knowledge in those particular areas.



Eric Tuchmann

Currently: Senior vice president, general counsel and corporate secretary, the American Arbitration Association

Previously: Associate general counsel, the American Arbitration Association

Law school: New York Law School

From time to time, the legal department will be consulted on issues that arise, either a question that is legal in nature, or where they simply want to work through maybe a problematic question. We're consulting and speaking with our case management staff very, very frequently.

I do manage legislative issues as well, in terms of monitoring those to the extent we need to. Sometimes we do get called on to provide input on legislation.

Given your responsibilities, is there a part of your job that has been the most rewarding?

I enjoy it when the process is really working, where systematically we can see that we are assisting parties in resolving their disputes.

We're known as an arbitration organization, that's what our name is and that's most of what we do. But our mission as a whole is to assist parties in resolving disputes quickly, efficiently, economically, and part of that is through arbitration.

We do provide mediations. In the course of an arbitration, we can really assist parties in making the process a little more efficient. So we will suggest mediation. We will try to assist the parties where it's appropriate in helping them actually settle their dispute. We don't want or have the authority to mandate that, but when we can offer our expertise, our subject matter knowledge, our background, some history, and bring it all to bear on assisting parties in these cases in resolving their matter. ... When everything is working, that is very, very satisfying. It's very encouraging. And it's what really keeps a lot of us interested in the work.

It's always interesting to see a new area where the process is being used, where it's being accepted and encouraged. That's fun too, when you see a project that you're working on or a development that you see implemented where it's successful. We administered a large mediation program when [Hurricane] Sandy happened. It was a point in time. It lasted a year or two. But we really did a lot of great work on short notice. It's good when we can help out people in that way, too. It's not just all commercial arbitration or international arbitration.

Has the answer to that question changed at all since you first started working at the AAA?

I don't think it's changed. It's always been this constant need to refine, constant need to stay on top of changes in the field. We do provide a service, and people need to be happy. Parties need to be satisfied with the service they're getting. Arbitration is not mandated, it's agreed upon. For them to continue to agree upon it, they've got to be happy with the outcomes and the service.

As I say, there's an ongoing need to evolve — evolve the service, improve it, identify perhaps where expectations are changing or where the law is changing, and ensure that what we are doing is consistent with all of that.

What are you looking forward to in the next year?

[The International Centre thinks] that Asia will be increasingly important, in terms of a place where disputes arise and where parties will want to resolve their disputes. We have an office in Singapore and a vice president who's located there and administers disputes. We want to make sure that our services there can accommodate what we think will be an increased desire and need.

The amount of trade that is taking place between U.S. and Asian organizations is quite large. We're at a point where there might be some policy issues that impact trade in the short term. But the general consensus is that Asia as a region is important, and that there will be a lot of trade and a lot of transactions. We think it's important to be present there and to make it known that we're present there and that we're capable of helping parties conduct their arbitrations there. We're going to expand our presence in Asia and spend some time there working to get the word out.

What's the most important skill for GCs that you didn't learn in law school?

I don't know if it's a skill — you've got to be continuously curious. In any given day, you might have four issues that arise that are new — a new type of contract, a new legal question involving anything — and you've got to be interested in finding out the answer. You need to be incredibly service-oriented, high-level professionalism. I'm talking about even where your client is internal. You need to be able to speak with a voice that is understandable, that people can identify with.

I think it's in some respects a combination of those things. You've got to be interested in the work that is going to come down the road. Inevitably, it will involve things that you do and don't know, and you've got to be interested in working with the people within the organization that might be relying on the information or the responses you provide.

Is there anything that keeps you up at night related to your work?

I think any general counsel that's conscientious is going to be up at night from time to time. It's a big world with a lot going on, and there's a fair amount of wanting to ensure that you are doing everything well that you possibly can. Sometimes there's a fear of the unknown, and what don't you know about that's coming, that's happening, what new development is going to impact the organization in the future. Everybody thinks about it and they try to anticipate and you do your best. But I'd say that's the one issue that does keep me up from time to time.

--Editing by Alanna Weissman.