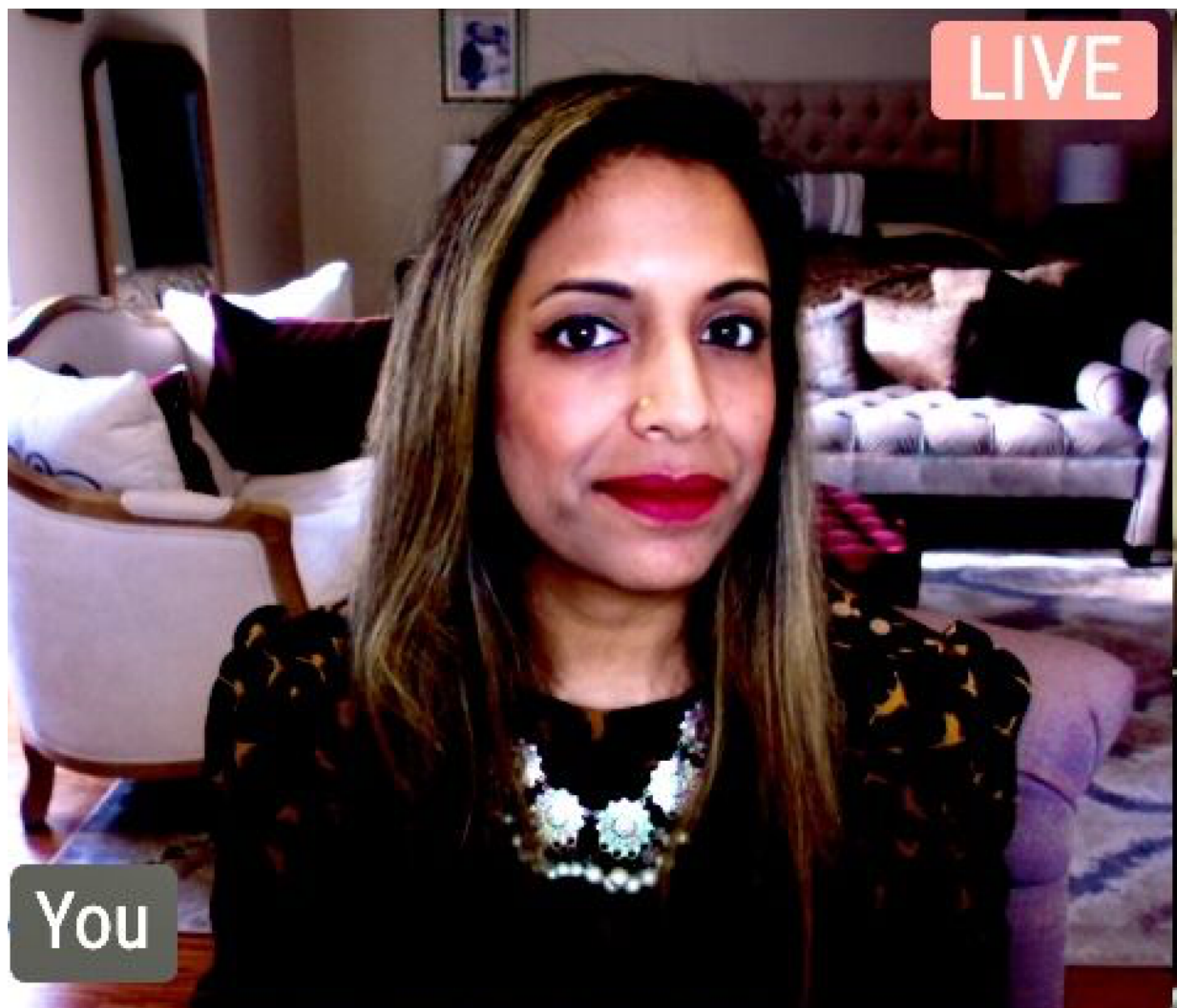


Kluwer Arbitration Blog

Interviews with Our Editors: A New York Minute with Rekha Rangachari, Executive Director of New York International Arbitration Center (NYIAC)

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Founded in 2013, the New York International Arbitration Center (“NYIAC”) is a non-profit organization that promotes and enhances the conduct of international arbitration in New York, offers educational programming, and operates arbitration hearing facilities in New York City. Rekha Rangachari is NYIAC’s current Executive Director. In addition to her work with

NYIAC, Rekha holds leadership roles with a number of national and international organizations, including the New York State Bar Association (NYSBA) Dispute Resolution Section, the American Society of International Law (ASIL), and ArbitralWomen. Rekha is also a Co-Founder of R.E.A.L. – Racial Equality for Arbitration Lawyers (which was nominated for Global Arbitration Review’s Award for “Best Development” in 2021).

Ms. Rangachari, thank you for joining us on the Kluwer Arbitration Blog! We are grateful to have the opportunity to learn more about NYIAC, how it fits into the New York arbitration scene, and your various endeavors.

- 1. To set the stage, could you tell us more about what attracted you to taking up a leadership role at NYIAC? How does this position align with your broader career goals and ambitions?*

I’ll borrow here from the great Seneca, “Luck is what happens when preparation meets opportunity.” While I was working as Director of the New York Commercial Division of the AAA-ICDR, I was approached by some of my mentors from NYIAC’s leadership. (NYIAC, incidentally, sat across the hallway.) I enjoyed my time as Case Counsel at the AAA-ICDR, ensconced in the evolving role of arbitral institutions within the dispute resolution terrain, complete with a bird’s eye view to all elements of a case. NYIAC offered a growth opportunity: to lead a multi-faceted organization with a focus on New York’s increasing and evolving role in the international arbitration space, which included highlighting New York commercial law and its application, New York as a venue and seat, and in many aspects serving as a legal brand manager for New York. It was an exciting moment to serve at the major port of call to the Americas.

As Executive Director, I have built upon the fluid sphere of commerce-driven substantive law, leading law firms, law schools, and headquarters of global institutions and NGOs to showcase the international flare and community of this glorious city that never sleeps. Spotlighting these elements with colleagues across arbitral institutions remains a primary goal. This is allied with creating the best, neutral venue for all elements of the arbitral process. In this role, I have broadened my abilities and scope of practice and met some of the most inspiring professionals that have buttressed my career trajectory. Never hesitate to jump, even if only to the opposite side of the floor!

- 2. In many ways it seems NYIAC was established to serve as a physical “hub” for international arbitration in New York – including an emphasis on connecting members of the community, while also offering high-quality hearing space. How has NYIAC adapted to a metaphysical post-COVID-19 virtual world? What were your greatest challenges and successes as you quickly transitioned to “all virtual”? Now that New York is returning to a semblance of normalcy, how will NYIAC again revise its programs and services?*

As you note, since its inception NYIAC has been a gathering point for all stakeholders, be it for a hearing, substantive session, book launch, or reception. The pandemic introduced the need to be a metaphysical space that allies and includes all, not only for those looking to maintain a deep connection to New York from abroad, but equally for the community that thrives here in this “concrete jungle where dreams are made.”

One example that comes to mind was when New York declared its State of Emergency. At that time, we were hosting a contentious, multi-million-dollar arbitral hearing. We pivoted with the world (and the parties stationed in our venue) to the remote, ever-online world of connections, and we became stronger for it. It was an unprecedented opportunity to market the salience of international arbitration against national court closures and border lockdowns. And it created pathways to ally with colleagues, build programs agnostic of the lead logo, and focus on the human element: the people, the evolution of best practices, and the clash of cultures that will forever underlie an international practice with dynamic (and differing) legal cultures.

With New York now open and more people vaccinated, we are seeing an incredible uptick in interest to venue in-person and hybrid arbitral proceedings in New York, with queries incoming from a myriad of institutions that were able to thrive through the pandemic. In parallel, NYIAC is in the process of building new, state-of-the-art hearing space to take us into our next chapter. We look forward to building collaboration in our new space as we did in our prior space with the AAA-ICDR, strengthening an inclusive community and reinforcing NYIAC as a lead center, thought leader, and knowledge manager. It will be an absolute pleasure to welcome all those reading when they next are in Midtown Manhattan, signaling the world is truly open again.

3. *As NYIAC enters its ninth year, it certainly has established a track record. Can you tell us more about NYIAC's users and their disputes? What kinds of parties, industries and disputes are prevalent among them? How does NYIAC use this information to enhance its services and approach?*

As you can appreciate, privity and confidentiality are top priorities. It's unsurprising that the microcosm we see at NYIAC tows nicely with general trends of industry and party origin juxtaposed with New York counsel who get the job done! Perhaps it's fair to begin with the institutions that administer and venue cases at NYIAC, from those in our backyard, e.g., the ICC-SICANA, AAA-ICDR, and ICSID, to those across ponds, the LCIA, PCA, CRCICA, SIAC, HKIAC, and the list goes on. Parties similarly are from a variety of backgrounds and demographics, although there has been a concerted focus on the Americas, and particularly Latin America, reinforced by the major Latin America-focused practice groups based in the New York offices of [NYIAC's Founding Firms](#). Disputes are weighted more to international commercial arbitration than investor-state disputes, with some international construction disputes. Taking a peek through the [QMUL-White and Case 2021 International Arbitration Survey](#), we see similar industries represented in both the Survey and in hearings hosted by NYIAC, which include, for example, banking and financial services, telecom, insurance, pharmaceuticals and life sciences, energy, entertainment, and hospitality. Ultimately, people from all walks of life come through NYIAC's doors and the goal is always the same: top flight service and venue for all your arbitration needs.

4. *Notably, NYIAC does not administer arbitrations or publish arbitration rules. However, the "NYIAC Rules" [webpage](#) expressly accounts for the possibility that prospective users might, nonetheless, mention NYIAC in their dispute resolution clause. Accordingly, [NYIAC Rule #1](#) explains how inclusion of NYIAC in a dispute resolution clause can be interpreted and provides the mechanisms that would ensure that the clause remains robust and practical,*

thereby avoiding any argument that it is pathological. Can you tell us more about how this “rule” was conceived and how it has been received by prospective users?

When NYIAC launched in 2013, there were few brick-and-mortar spaces focused singularly on strengthening a jurisdiction by offering a venue for arbitral proceedings allied with thought leadership that is privately funded by stakeholders. NYIAC does not administer cases nor serve as an arbitration chambers (i.e., no roster of arbitrators). Nevertheless, NYIAC has been written into some contracts as if it were an administering body or appointing authority. In order to avoid market confusion and efficiently advance the process if a party writes NYIAC into a contract, our sole rule ensures New York is the place of arbitration and NYIAC the venue, defaulting to the UNCITRAL Arbitration Rules and appointing authority as provided therein (absent a different selection through party agreement or impracticability).

5. We note that the Equal Representation in Arbitration (ERA) Pledge just celebrated its fifth anniversary, and NYIAC has been a long-time supporter of the initiative. Can you tell us more about NYIAC’s commitment to diversity and inclusion generally, and the ERA Pledge specifically? How have you seen the field evolve in the years since the ERA Pledge’s launch?

Initiatives like the ERA Pledge and ArbitralWomen have been such inspirations in our field – driving community, reporting, inclusivity, and ultimately, change. Acknowledging the need to speak more directly on these topics, this year NYIAC introduced a Diversity & Inclusion Policy, allied with a drive to expand our Board of Directors with Alternate Directors. It’s an avenue to bring our [Founding Firms](#) closer to NYIAC’s mission, while building a robust talent pipeline and preserving New York’s lead role in the international community for years to come. I am most impressed with how the ERA Pledge has expanded its committee work, now including corporates who can reinforce the importance of diversity with outside counsel teams, in addition to its newly launched [Corporate Guidelines](#). This allies well with regional focus committees, mapping perspectives, access, and representation, while offering a bounty of resources including an arbitrator search platform. Ultimately, the ERA Pledge and ArbitralWomen provide necessary outlets to come together as a community, to evolve, and to become stronger together with support (and admiration) from organizations like NYIAC.

6. Even outside of your role with NYIAC, you are active in the arbitration community. Can you tell us about one of the initiatives you’re passionate about and how this “extracurricular” activity enhances and supports your work with NYIAC?

Against the backdrop of troubled race relations in the U.S., an informal group began discussing the paucity of conversations on race and identity in our international law circles. Enter [Racial Equality for Arbitration Lawyers \(R.E.A.L.\)](#), launched in January 2021 on Martin Luther King, Jr., Day. As a Co-Founder and Steering Committee Member, I have the immense pleasure to help create a safe, interconnected space that better unifies our community across all R.E.A.L. access points: Members & Allies; Ambassadors; 80+ organizational Partners; Committee Chairs and Vice-Chairs; and the Steering Committee. Our rallying chants have been access, advocacy, and accountability. Grateful for broad community support, we have been able to offer 40 scholarships in the 7 months since we launched (with many in the works)! Ultimately, groups like R.E.A.L. partner with leaders in the

space like the [ERA Pledge](#) and [ArbitralWomen](#), to demonstrate that all are truly welcome in our field. R.E.A.L. community, R.E.A.L. conversation, and in time, R.E.A.L. progress. It takes many villages coming together to foster meaningful, enduring change.

7. *What are your top three tips for a young lawyer looking for a non-traditional way to break in to a career in international arbitration?*

For me, three anchoring words are tenacity, civility, and creativity. To be tenacious of spirit and bold. To study hard, test boundaries, and live by conviction. To bring civility to the table and never lose sight of the humanity of others; to be kind. And finally, to be creative. However you define your path, things often will not work out the way you imagined. How you approach these details, how you pivot and thereby construct your narrative in technicolor, can open the door to finding true fulfillment in your life's work.

8. *Final question: (Assuming a non-COVID-19 environment), what would your perfect day in New York involve?*

Let's construct a sunny, spring Saturday in New York. Black coffee and brunch in the window nook of the Gramercy Park Hotel's Maialino, New York Times in hand. A stroll through Greenwich Village and Washington Square Park (with ample people watching). Extra cardamom chai with Neruda's essential poems. Dinner al fresco at the McKittrick Hotel's Gallow Greens rooftop. Energy and time permitting, optionality to pop downstairs to hear live music.

Thank you for your time and perspectives – we wish you and NYIAC continued success!

This interview is part of Kluwer Arbitration Blog's "Interviews with Our Editors" series. Past interviews are available [here](#).

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