

Melissa MAGLIANA

Partner



Admission

New York, 2005

Nationality

American, Italian, Swiss

Languages

English, German, French,

Italian, Spanish

Practices

International Commercial Arbitration

Areas of focus

Construction and Infrastructure

Pharma and Biotechnology

Energy and Mining

Sports

tel: +41 58 105 2100

email: mmagliana@lalive.law

Stampfenbachplatz 4

PO Box 212

8042 Zurich - Switzerland

BIOGRAPHY

Melissa Magliana is a partner at LALIVE specializing in international commercial arbitration.

With experience in both common and civil law jurisdictions and holding legal degrees in US and Swiss law, she advises and represents clients in ad hoc and institutional arbitration proceedings under all major rules of arbitration. She also acts as sole arbitrator, co-arbitrator and as chair of arbitral tribunals and advises on other forms of dispute resolution and related proceedings, such as mediation and international legal assistance. Her expertise spans different sectors, including the construction, pharma and mining industries, with a particular focus on works contracts as well as shareholder, partnership and joint venture disputes arising in a post-M&A and construction projects context.

Melissa Magliana is a member of the Arbitration Court of the Swiss Chambers' Arbitration Institution and a member of the board of the Swiss Arbitration Association (ASA), for which she also acts as co-chair of the ASA Practice Building Seminar. She previously served as a co-chair of ASA below 40 and as a Steering Committee member of Young Arbitral Women Practitioners. She is a frequent speaker and publishes regularly on matters relating to international dispute resolution.

Melissa Magliana was the 2016 recipient of the ASA Prize for Advocacy in International Commercial Arbitration, awarded every two years to international arbitration counsel to recognize exceptional advocacy in international arbitration. She has also been recommended by several directories, including as a Future Leader in Arbitration by Who's Who Legal and a Rising Star in Commercial Arbitration by Legal Media Group.

Before joining LALIVE, Melissa Magliana clerked for The Hon. Carol Bagley Amon at the United States District Court for the Eastern District of New York and was Counsel in arbitration and litigation at a leading Swiss law firm. She graduated from Princeton University in 1999 (*magna cum laude*) and received her *Juris Doctor* from the Columbia University School of Law in 2004, where she was a James Kent Scholar and an editor of the Columbia Law Review. In 2014, she obtained a Swiss law degree (MLaw, *magna cum laude*) from University of Lucerne School of Law.

PUBLICATIONS

Commentary of Articles 188-189 PILA

Melissa Magliana, Markus Wirth

In: Basler Kommentar (Honsell et al. Eds) [forthcoming 2020]

Arbitration in Switzerland

Melissa Magliana, Roman Richers

In: International Commercial Arbitration: Practitioner's Guide (Balthasar, 2d Ed.) [forthcoming 2020]

Commentary of Article 28 ICC Rules

Melissa Magliana

In: Arbitration in Switzerland — The Practitioner's Guide (Manuel Arroyo, 2d Ed.)

Commentary of Article 26 Swiss Rules

Melissa Magliana

In: Arbitration in Switzerland — The Practitioner's Guide (Manuel Arroyo, 2d Ed.)

Switzerland: Law and Practice

Melissa Magliana, Roman Richers

In: Chambers Country Practice Guides, International Arbitration 2016 (Friedland, Ed.)

Evidence Gone Astray

Melissa Magliana, Markus Wirth

In: Stories from the Hearing Room: Experience from Arbitral Practice: Essays in Honour of Michael E. Schneider (Bernd Ehle & Domitille Baizeau, Eds.), 2014

Review of the Recent Case Law of the Swiss Federal Supreme Court

Melissa Magliana

In: New Developments in International Commercial Arbitration (Christoph Muller & Antonio Rigozzi, Eds. 2012)

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

International Institute for Conflict Prevention & Resolution (CPR) Event

Arbitration in the Pharmaceutical and Life Sciences Sectors

Zurich, 17 September 2019

Moderator

4. Tagung zur Schiedsgerichtsbarkeit: Hot Topics

Das Kreuzverhör als Mittel zur Wahrheitsfindung?

Zurich, 29 August 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

Camera Arbitrale di Milano

Costituzione e competenza del tribunale arbitrale

Milan, 23 March 2019

Speaker

The GAR Live Symposium

2nd annual GAR Live Zurich

Zurich, 7 March 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

ICDR Y&I/YAWP

The Art of Advocacy: Tips, Tricks & War Stories

London, 20 September 2018

Speaker

GAR Live

Different approaches to cross examination and advocacy

Istanbul, 21 June 2018

Speaker

Who's Who Legal Future Leaders Arbitration Conference

What are the top future trends in international arbitration

London, 9 May 2018

Speaker

ASA Gala Dinner & Advocacy Prize Giving Ceremony

Laudatio in Honor of Professor Mohamed S. Abdel Wahab

Zurich, 1 February 2018

Speaker

CIArb YMG Conference

Navigating through common law and civil law waters in international arbitration: Document Production

Paris, 12 December 2017

Speaker

Young ICCA Skills Training Workshop

Should you cross-examine a witness? What do you need to prepare for a cross-examination?

Stockholm, 10 November 2017

Speaker

Vis Moot School, University of Zurich

Keynote speech
Zurich, 5 October 2017
Speaker

ICC YAF Conference on Cost Allocation

Keynote speech
Zurich, 30 June 2017
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

AIA | Young ICCA Skills Training Workshop

Practical aspects of interim measures and emergency arbitrator proceeding
Rome, 28 October 2016
Speaker

Roschier Arbitration Forum 2016

The Winning Strategy
Stockholm, 31 May 2016
Speaker

2nd Global Conference of the Co-Chairs' Circle

Settlement facilitation and preliminary views by arbitrators – an option for every arbitration?
Helsinki, 27 May 2016
Moderator

2nd ICDR Y&I Swiss Chalet Debate

Early Case Assessment – Blessing or Curse? | Loser Pays – What About the Success Fees?
Geneva, 24 May 2016
Moderator

ICCA 2016 Congress

International Arbitration and Its Conformity with the Rule of Law
Mauritius, 8-11 May 2016
Rapporteur

Young ArbitralWomen Practitioners Launch Conference

Moving from counsel to arbitrator: How to get your foot in the door – and keep it there
Zurich, 8 April 2016
Speaker

RECOMMENDATIONS

“Outstanding practitioner” Melissa Magliana is highlighted as an “exceptionally good lawyer with a lot of international experience”. Sources highlight her “excellent legal mind” and add: “There is a lot more to come for Melissa!”

WWL Global Arbitration, 2020

Melissa Magliana is “superb in advocacy and cross-examination of witnesses”, and “one of the few who manages to be extremely persuasive without being overly aggressive”.

WWL National Guide: Switzerland – Arbitration, 2020

Melissa Magliana is “an excellent practitioner” who has “mastered the arbitration process very well”. She has significant experience as both counsel and arbitrator across the construction, pharmaceutical and transport sectors.

Who’s Who Legal, Switzerland, 2019

Melissa Magliana is considered “the very best young arbitration practitioner in Switzerland” and impresses peers with “her incredible ability to find the ideal middle ground between utmost legal precision and a sensible practical approach”.

Who's Who Legal, Arbitration: Future Leaders, 2018

Melissa Magliana is “one of the leaders of her generation” according to respondents, who consider her “excellent as both counsel and arbitrator” and effuse, “She masters the proceedings very well.”

Who's Who Legal, Arbitration, Switzerland, 2018

Melissa Magliana was described as “amazing”. She is known as “actively involved in the international arbitral community” and comes highly praised by sources.

Who's Who Legal, Arbitration: Future Leaders, 2017

“Rising Star in Commercial Arbitration”

LMG, 2015-2018
