

## 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 & Mining

Sports

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## 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, transportation, 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 Executive Committee of the Arbitration Court of the Swiss Arbitration Centre, where she acts as Secretary to the Court. She is also a member of the board of the Swiss Arbitration Association (ASA), for which she 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 ArbitralWomen 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 global leader in Arbitration by Chambers, Legal 500, Who's Who Legal.

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.

## Recent recommendations

*The “very smart and pragmatic” Melissa Magliana is a “brilliant lawyer with an ability to develop an outstanding teamwork environment to best assist clients’ goals in complex international disputes” Who’s Who Legal, Arbitration 2021*

*“Melissa is exceptionally reactive and available. She quickly grasps the controversial point of the case and has an extraordinarily practical approach. Firm but also flexible to accommodate client’s needs” Legal 500, 2021*

*Interviewees praise her commercial approach, with one saying “She is very business-oriented, understands how a business thinks and what it needs, and can explain complicated things in a non-legal manner” Chambers Global, 2021*

*“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!” Who’s Who Legal, 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”. Who’s Who Legal, 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*

## Selection of recent publications

**Dispensing with written consent – or consent altogether – in third party extensions under the New York Convention: A critical examination of the recent Swiss and U.S. Supreme Court decisions in *B. Suisse* and *GE Energy***

Melissa Magliana, Philippe Hovaguimian  
In: b-Arbitra, Belgian Review of Arbitration (2/2021)

**Commentary of Articles 188-189 PILA**

Melissa Magliana, Markus Wirth  
In: Basler Kommentar (Honsell et al. Eds) (2021)

**Arbitration in Switzerland**

Melissa Magliana, Roman Richers  
In: International Commercial Arbitration: Practitioner's Guide (Balthasar, 2d Ed.) 2021

## **Commentary of Article 28 ICC Rules**

Melissa Magliana

In: Arbitration in Switzerland — The Practitioner's Guide (Manuel Arroyo, 2d Ed. 2018)

## **Commentary of Article 26 Swiss Rules**

Melissa Magliana

In: Arbitration in Switzerland — The Practitioner's Guide (Manuel Arroyo, 2d Ed. 2018)

## **Selection of recent conferences**

### **5<sup>th</sup> SCAI Innovation Conference**

Disruption as a defence in international arbitration

Geneva, 28 January 2021

Speaker

### **Russian Arbitration Centre Winter Academy on International Arbitration**

Due process paranoia in a cross-border arbitration: A duty to render an enforceable award

Moscow, 11-16 January 2021

Lecturer

### **Italian Forum for Arbitration and ADR Webinar**

Everything can be improved: The reform of Swiss international arbitration law

28 October 2020

Speaker

### **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

### **3<sup>rd</sup> 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

### **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

### **GAR Live**

Different approaches to cross examination and advocacy

Istanbul, 21 June 2018

Speaker

### **ASA Gala Dinner & Advocacy Prize Giving Ceremony**

Laudatio in Honor of Professor Mohamed S. Abdel Wahab

Zurich, 1 February 2018

Speaker